UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1994/674/Add.2 (Vol. V)
28 December 1994

ENGLISH ONLY

LETTER DATED 24 MAY 1994 FROM THE SECRETARY-GENERAL TO THE PRESIDENT OF THE SECURITY COUNCIL

Addendum

ANNEXES TO THE FINAL REPORT OF THE COMMISSION OF EXPERTS ESTABLISHED PURSUANT TO SECURITY COUNCIL RESOLUTION 780 (1992)

VOLUME V - ANNEXES IX TO XII

FINAL REPORT OF THE UNITED NATIONS COMMISSION OF EXPERTS ESTABLISHED PURSUANT TO SECURITY COUNCIL RESOLUTION 780 (1992)

ANNEX IX
RAPE AND SEXUAL ASSAULT

Under the Direction of:

M. Cherif Bassiouni
Chairman and Rapporteur on the Gathering
and Analysis of the Facts, Commission of Experts
Established Pursuant to Security Council Resolution 780 (1992)

Principal Legal Analyst:

Marcia L. McCormick, IHRLI Staff Attorney

Contributors:

Patsy Campbell, IHRLI Staff Attorney
Stacey White, IHRLI Volunteer Analyst
Azra Mehdi, IHRLI Volunteer Analyst
Monica Witczak, IHRLI Volunteer Analyst

and

The Staff of the International Human Rights
Law Institute, DePaul University

CONTENTS

				Paragraphs	Page
I.	INTRODUCTION			1 - 27	6
	A.	Summary of statistical information from all sources		4 - 7	7
	B.	Methodology		8 - 9	8
	C.	Summary analysis		10 - 24	9
	D.	Conclusions		25 - 27	12
II.	GEOGRAPHICAL ANALYSIS			28 - 294	13
	A.	BiH		28 - 266	13
		1.	Banja Luka	28 - 34	13
		2.	Bihać	35 - 36	14
		3.	Bijeljina	37 - 41	15
		4.	Bosanska Dubica	42	15
		5.	Bosanska Gradiška	43 - 45	16
		6.	Bosanska Krupa	46	16
		7.	Bosanski Brod and Odžak counties	47 - 60	16
		8.	Bosanski Novi	61	19
		9.	Bosanski Petrovac	62 - 63	19
		10.	Bosanski Šamac	64	19
		11.	Bratunac	65 - 66	20
		12.	Brčko County	67 - 76	20
		13.	Breza	77 - 79	22
		14.	Bugojno	80 - 84	22
		15.	Busovača	85 - 87	23
		16.	Čajniče	88	23
		17.	Derventa	89	23
		18.	Doboj	90 - 100	24
		19.	Donji Vakuf	101	25
		20.	Foča and Kalinovik counties	102 - 125	26

CONTENTS (continued)

		Paragraphs	Page
21.	Gacko	126 - 127	30
22.	Goražde	128 - 129	31
23.	Gornji Vakuf	130	31
24.	Jablanica	131 - 132	31
25.	Jajce	133	32
26.	Kakanj	134 - 136	32
27.	Kalesija	137	32
28.	Kiseljak	138	33
29.	Kladanj	139	33
30.	Ključ	140 - 143	33
31.	Konjic	144 - 147	34
32.	Kotor Varoš	148 - 152	34
33.	Livno	153	35
34.	Lopare	154	35
35.	Mostar and Čapljina counties	155 - 167	35
36.	Nevesinje	168	38
37.	Orašje	169 - 171	38
38.	Prijedor	172 - 189	38
39.	Rogatica	190 - 199	42
40.	Sanski Most	200	43
41.	Sarajevo and vicinity	201 - 217	44
42.	Šekovići	218 - 219	47
43.	Sokolac	220 - 221	47
44.	Srebrenica	222	47
45.	Tešanj	223	48
46.	Teslić	224 - 227	48
47.	Titov Drvar	228	49
48.	Tomislavgrad	229	49

CONTENTS (continued)

		Paragraphs	Page
49.	Travnik	230 - 231	49
50.	Trebinje	232 - 233	49
51.	Tuzla and Živinice counties	234 - 241	50
52.	Vareš	242 - 243	51
53.	Višegrad	244 - 253	51
54.	Vitez	254 - 255	53
55.	Vlasenica	256 - 257	53
56.	Zenica	258	53
57.	Zvornik	259 - 266	54
B.	Croatia	267 - 287	55
1.	Benkovac	267	55
2.	Daruvar	268	55
3.	Drniš	269	55
4.	Glina	270	55
5.	Gospić	271	55
6.	Grubišno Polje	272	55
7.	Knin	273	56
8.	Nova Gradiška	274	56
9.	Osijek	275	56
10.	Sisak	276	56
11.	Slavonski Brod	277	56
12.	Slunj	278	56
13.	Split	279	57
14.	Titova Korenica	280	57
15.	Vinkovci	281	57
16.	Vukovar	282 - 284	57
17.	Zadar	285	58
18.	Zagreb	286	58

CONTENTS (continued)

		Paragraphs	Page
	19. UNPROFOR Sectors and Miscellaneous . . .	287	58
C.	Serbia	288 - 294	59

I. INTRODUCTION

1. The Commission investigated rape and sexual assault in three ways. The first method was through a study of the documentary evidence contained in the database at the International Human Rights Law Institute (IHRLI) at DePaul University in Chicago. This study is discussed in paragraphs 28 through 294. The second method was through a field investigation. This investigation is discussed at Annex IXA, in paragraphs 1 through 190. The field investigators conducted 223 interviews in Croatia. 1/ The final method was through the analysis of investigations and interviews conducted by governments and submitted to the Commission, but not included in the database. For example, the government of Austria recently interviewed 18 refugees, several of whom were victims or witnesses of incidents of rape and sexual assault. Sweden conducted interviews of 35 refugees, most of whom were victims or witnesses of rape and sexual assault. 2/ These investigations and their findings have been sent by the Commission to the office of the Prosecutor for the ICTFY. A great number of fact-finding missions have been carried out to try to assess the incidence and extent of the use of rape and sexual assault as a weapon of war in the conflicts in the former Yugoslavia, particularly in Bosnia and Herzegovina. 3/

2. The question of the credibility of victims and witnesses and the reliability of the information provided has been foremost in the consideration of this analysis. Indeed, some of the information provided, as described below, is general, generic, or insufficient. But such information may none the less be credible because of some particular details it may contain and because of other corroborating facts. Furthermore, interviews, whether conducted by the Commission or by certain governments, of victims and witnesses in sufficient numbers confirm certain accounts. Such interviews also provide a first hand account and description of certain facts, which are also found in the documentation available in the database. Thus, it is the cumulative nature of the information which tends to corroborate the facts about incidents in the locations described, as well as patterns of behaviour. Consequently, it is this cumulative effect which gives the information credibility and reliability. This is also the basis which provides a sufficient numerical basis to develop a statistical analysis from which to derive the conclusions described below. Thus, for example, of the 1,100 cases examined, it is possible to identify with some degree of accuracy the patterns described in paragraphs 8 through 25. The macroanalysis aspect of this report is therefore well founded on the facts. Obviously, individual cases and their level of readiness for prosecution will vary and, without speculating on any ultimate prosecutorial outcome, it could easily be surmised that no less than 10 percent of these reports are very likely cases for prosecution. Finally, the analysis of allegations by geographical location has been written in a way to conceal the identities of victims, witnesses, and alleged perpetrators, for confidentiality and security reasons. The vagueness present should not be taken for a lack of information. Names have been provided when they are taken from widely published sources like the news media.

3. The relevance of the study is therefore threefold: 1) it identifies specific individual cases, patterns and policies; 2) it establishes foundations in fact for allegations of rape and sexual assault in this conflict, and more particularly their use as an instrument of war; and 3) it serves as a basis for the eventual prosecution by the ICTFY of rape and sexual assault cases, particularly with respect to the prosecution of commanders and other decision makers who may have been responsible for individual conduct and formulating policy. A most significant corollary of the study is that it has identified a number of cases ready for the final investigatory stages leading to prosecution.

A. Summary of statistical information from all sources

4. This is a study by IHRLI of allegations of systematic rape and other forms of sexual assault perpetrated in the former Yugoslavia. The information for the study comes from the sources stated in paragraph 1. The database contains tens of thousands of allegations of rape and sexual assault. Rape is defined for the purposes of the study as nonconsensual sexual penetration, while sexual assault encompasses rape and other forced or coerced sexual acts. It also includes sexual mutilations for purposes of this study. When duplicated information is eliminated and the most general allegations discarded, 4/ the following statistics are revealed:

(a) There are approximately 1,100 reported cases of rape and sexual assault;

(b) About 800 victims are named, or the submitting source appears to know the identity of the victim, but does not disclose it; 5/

(c) About 1,800 victims are specifically referred to but are not named or identified sufficiently by the witness reporting the incident; 6/

(d) Witness reports also refer to additional numbers of victims through approximations. These reports suggest there may be about 10,000 additional victims the reports could eventually lead to;

(e) About 550 of the reported cases refer to victims of rape and sexual assault but are unspecific and do not give any identifying information; 7/

(f) About 700 alleged perpetrators are named, or the submitting sources appear to have the name of the person they call the perpetrator but chose not to disclose it;

(g) About 750 perpetrators are specifically identified, but the witnesses do not know the name to make the identification complete;

(h) The cases contain references to about 300 perpetrators only approximately, with no specifics as to name or the specific number present;

(i) About 900 cases refer generally to classes of perpetrators but do not approximate their numbers. 8/

5. There are about 162 detention sites in the former Yugoslavia where people were detained and sexually assaulted:

(a) 88 of those are reportedly run by Serbs;

(b) 35 are run by unknown forces;

(c) 17 are allegedly run by Croats;

(d) 14 are allegedly run by Muslim and Croat forces together;

(e) 8 are reportedly run by Muslims.

6. This statistical information may not represent the true extent of what has occurred in the former Yugoslavia. This shortfall may be due to a variety of reasons:

(a) The chief reason is that victims are reluctant to report the assaults;

(b) Victims fear reprisals by their attackers, both for themselves and family members remaining in occupied areas; 9/

(c) Some victims feel shame and embarrassment and fear ostracization by their communities--this is especially true in Muslim society, though many female victims have banded together for support, unlike most victims of rape and sexual assault in peacetime; 10/

(d) A great deal of time has passed since the crimes were committed. 11/ Now, victims and witnesses have relocated to over 20 different countries. With the passage of time and migration, there is an increasing reticence to report incidents of rape and sexual assault at an international level. Victims and witnesses wish to get on with their lives and not to relive the shame and embarrassment of their experiences;

(e) Many do not have a place to report the assault or feel that reporting would be useless;

(f) Refugees have a certain level of skepticism about the international community. Support groups and therapists contribute to this skepticism due to their concern over the traumatic effect of reliving the trauma through constant questioning.

7. These concerns are evidenced in many of the reports used in this study. Submitting sources often withhold the names of victims, witnesses or perpetrators to protect them. Additionally, many of the witnesses who gave testimony stated that they were afraid to allow their identity to be revealed because of retaliation by the alleged perpetrators or rejection by their own community. Some of the victims report that the people who assaulted them said never to tell what had happened or they would hunt down the victims and kill them.

B. Methodology

8. To analyse the contents of the database, all of the allegations of rape and sexual assault were gathered. Summary sheets were created for each allegation. These worksheets separated out some of the vital information, such as the identity of the witness who reported the incident, the identity of the victims and perpetrators, the date and location of the incident, the source of the report, and the method of recording the information. The worksheets also contained a comprehensive summary of the incident of rape and sexual assault. These summary sheets were then used as analytical tools to compare the information in a standardized format. They were organized geographically, divided by the setting in which they allegedly occurred, and arranged chronologically within that subheading. The analysis which follows is also organized geographically by county in alphabetical order. This particular form was chosen because of the number of "warring factions", and the generally confusing nature of the conflict.

9. The setting was defined as either custodial or noncustodial, and those reports which did not specify the setting were assumed not to have occurred in custody. 12/ This classification was used for several reasons, primarily because some level of organization and coordination is required to hold people in custody. The greater the number of rapes and sexual assaults in custody, the greater the likelihood of higher-level control over, or acquiescence to the practice. About 600 reported cases specify that they occurred in settings

where the victims were held in custody.

C. Summary analysis

10. Rape and sexual assault have been reported to have been committed by all of the "warring factions". Additionally, many ethnic groups 13/ were reportedly victims of rape and sexual assault: Bosnian Muslims, Bosnian Serbs, Bosnian Croats, Croatians, Croatian Serbs, Croatian Muslims, Albanians, Czechs and others. However, it is important to avoid moral equivalency in the analysis. The vast majority of victims are Bosnian Muslim and the great majority of alleged perpetrators are Bosnian Serb. Serbs reportedly run over 60 percent of the nearly 150 detention sites where men and women were allegedly raped and sexually assaulted. Finally, for purposes of prosecution, it is important to distinguish between "opportunistic" crimes and the use of rape and sexual assault as a method of "ethnic cleansing". Rape and sexual assault should be examined in the context of the practice of "ethnic cleansing"; discussed in Annex IV, and the practices in concentration camps, discussed in Annexes V and VIII. Most of the reported cases occurred in Bosnia and Herzegovina (BiH), 14/ and none were reported to have occurred in Slovenia.

11. Several patterns of conduct are revealed in the reported cases, irregardless of the ethnicity of the perpetrators or the victims. These patterns are:

(a) Individuals or small groups commit rape and sexual assault in conjunction with looting and intimidation of the target ethnic group before generalized fighting breaks out in an area;

(b) Individuals or groups commit rape and sexual assault in conjunction with fighting in an area, often raping women in public;

(c) Individuals or groups commit rapes and sexual assaults of detainees; 15/

(d) Individuals or groups commit rape and sexual assault against women held for the purpose of being raped and sexually assaulted and for the purpose of harming the women; 16/

(e) Detention sites are established solely for the rape and sexual abuse of women for the perpetrator's gratification. 17/

12. The first pattern occurs before any widespread or generalized fighting breaks out in a region. This type of rape and sexual assault is accompanied by looting, intimidation, and beatings. Tensions in an area grow, and members of the ethnic group controlling the regional government begin to terrorize their neighbours by intimidation, looting and beatings. Two or more men reportedly break into a house, intimidate the residents, steal their property, beat them, and often rape and sexually assault female residents. Some of the reported rapes and sexual assaults are singular and some are multiple. In either case, there is often a gang atmosphere where all the abuses are part of the same event, and all the attackers participate in the event, even if they do not sexually assault the victims. A distinct pattern of rape and sexual assault within this general type is peculiar to one area of BiH and Croatia. Paramilitary groups roam the countryside, abducting primarily Bosnian Serb women from their homes. The women are taken to a specific location, raped and sexually assaulted repeatedly, and then abandoned. The size of the groups of men range from four to 15. The victims are usually assaulted by each of the men in the group. 18/

13. The second pattern of rape and sexual assault occurs in conjunction with widespread or generalized fighting. When forces attack a town or village, the population is gathered and divided by sex and age. Some women are raped and sexually assaulted in their homes as the attacking forces secure the area. Others are selected after the roundup and are then raped and sexually assaulted publicly. The population of the village is then transported to camps.

14. The third pattern of rape and sexual assault occurs in sites of detention or other "collection centres" for refugees. After the population is rounded up in a town or village, men and women are separated. Men are executed or sent off to camps, and women are generally sent off to separate camps. In these custodial situations, soldiers, camp guards, paramilitaries, and even civilians are allowed to enter the camp, pick out women, take them away, rape and sexually assault them, and then either kill them or return them to the site. There is a significant amount of gang-rape and sexual assault reported in this context, and beatings and torture accompany most of the reported rapes and sexual assaults. Survivors report that some women are taken out alone, and some are taken out in groups. The women who are not killed are eventually exchanged. Though this is the general pattern, there are also many allegations that women are raped and sexually assaulted in front of other detainees, or that other detainees are forced to rape and sexually assault each other. The sexual assault of men in these camps is generally public, and the men are not usually removed from the camp. In these camps, other forms of humanitarian law violations, such as torture, occur simultaneously. In camps with only male populations and in camps with mixed populations, men are also subjected to sexual assault. Examples of this type of camp include Serb-run Trnopolje in Prijedor, 19/ Croatian-run Odžak camp in Odžak, 20/ and the Muslim-run camp in Goražde. 21/

15. The fourth pattern of rape and sexual assault occurs in specific types of sites of detention. Survivors of some camps report that they believe that they were detained for the purpose of rape and sexual assault. In these sites, all of the women are raped and sexually assaulted, the raping is quite frequent, and it is often committed in front of other internees. In this context as well, beating and torture accompany rape and sexual assault. Often, the captors state that they are trying to impregnate the women, pregnant women are treated better than their nonpregnant counterparts, and pregnant women are detained until it is too late in the pregnancy to obtain an abortion. 22/ Examples of this type of camp include the Serb-run Usara High School camp in Doboj, 23/ Muslim-run Čelebići camp in Konjic, 24/ and Croatian-run Dretelj camp in Čapljina. 25/

16. The last pattern of rape and sexual assault is detention for the purpose of providing sex. Women are collected from their homes and from camps and taken to hotels or similar facilities where they serve to provide sexual gratification for the armed forces. 26/ The women kept in these sites are reportedly killed more often than they are exchanged, unlike the female population in most camps. Additionally, unlike camp detention, the motive for detention of these women seems not to be to cause some reaction in the women detained, but instead to provide sexual services to men. The Yugoslav Mission submitted a list of such sites run by Croats and Muslims in BiH and the women's group Trešnjevka submitted a list of such sites run by Serbs in BiH.

17. In both custodial and noncustodial settings, many victims report that the alleged perpetrators state that they were ordered to rape and sexually assault the victims, or that they were doing it so that the victims and their families would never want to return to the area. Also, every reported case occurred in conjunction with an effort to displace the civilian population of a targeted ethnic group from a given region. Reports of rape and sexual

assault between members of the same ethnic group are few and have some ethnic component, such as sheltering members of the target ethnic group or marriage to a member of the targeted ethnic group. Very few reports fail to display some ethnic motivation.

18. Some characteristics of the rapes and sexual assaults include:

(a) Rapes and sexual assaults are conducted in ways that emphasize the shame and humiliation of the assault--such as forcing family members to rape each other, raping the victims in front of family members, including children, and raping persons in public places or in front of other internees;

(b) Large groups of perpetrators subject victims to multiple rapes and sexual assaults;

(c) Young women and virgins are targeted for rape and sexual assault, along with prominent members of the community and educated women;

(d) In custodial settings, perpetrators go through the detention centres with flashlights at night and choose victims randomly, returning them the next morning, thereby terrorizing the entire population of the camp;

(e) Perpetrators tell female victims that they will bear children of the perpetrator's ethnicity, that the perpetrators were ordered to rape and sexually assault them, or that, if the victims ever tell anyone or anyone discovers what has happened, the perpetrators will hunt them down and kill them;

(f) Victims are sexually assaulted with foreign objects like broken glass bottles, guns, and truncheons;

(g) Castrations are performed through crude means such as, forcing one internee to bite off another's testicles, and tying one end of a wire to the testicles and the other end to a motorcycle, then using the motorcycle to yank off the testicles;

(h) Perpetrators tell victims that they must become pregnant and hold them in custody until it is too late for the victims to get an abortion;

(i) Camp commanders often know about, and sometimes participate in, the rape and sexual assault of internees and former internees.

19. There also are many cases where female victims are protected by someone from the same ethnic group as their attackers. Men take women out of the camps to protect them from rape and sexual assault, tell other guards or soldiers that the women are "taken", or help them escape. Women hide other women or bring them contraceptives. There is insufficient information on the sexual assault of men to determine a similar pattern.

20. Men are also subject to sexual assault. They are forced to rape and sexually assault women, they are forced to perform fellatio on guards and on each other, they are forced to perform other sex acts on each other, and they suffer castrations, circumcisions, and other sexual mutilations.

21. Some of the reported rape and sexual assault cases are clearly the result of individual or small group conduct without evidence of command direction or an overall policy. However, many more cases seem to be part of an overall pattern. These patterns strongly suggest that a systematic rape and sexual assault policy exists, but this remains to be proved. It is clear that some level of organization and group activity is required to carry out

many of the alleged rapes and sexual assaults. One factor, in particular, that leads to this conclusion is the large number of allegations of rape and sexual assault which occur in places of detention. Out of about 1,100 reported cases, about 600 occurred in places of detention. These custodial cases do not appear to be random and indicate a policy of at least tolerating rape and sexual assault or the deliberate failure of camp commanders and local authorities to exercise command and control over the personnel under their authority.

22. Other factors to consider in discerning a possible pattern include: similarities among practices in noncontiguous geographic areas; simultaneous commission of other humanitarian law violations; simultaneous military activity; simultaneous activity to displace civilian populations; common elements of the commission of rape and sexual assault, maximizing shame and humiliation to not only the victim but also the victim's community; and the timing of the alleged rapes and sexual assaults.

23. The reported cases of rape and sexual assault contained in the database occurred between 1991 and 1993. The majority of the rapes and sexual assaults occurred during April to November 1992 and very few occurred before or after that. In the same time period, the number of media reports increased from a low of none in March of 1992 and of 13 in April 1992 to a high of 535 in January 1993 and 529 in February 1993. This correlation could reflect the lag in the ability of the media to cover the information, waning media interest in the subject, that media attention caused the decline, or that the purposes for which the alleged rape and sexual assault was carried out had been served by the publicity. The last two possible explanations would indicate that commanders could control the alleged perpetrators, leading to the conclusion that there was an overriding policy advocating the use of rape and sexual assault as a method of ethnic cleansing.

24. The numbers of alleged rapes and sexual assaults and the patterns present are different among the different countries. Most of the alleged assaults occurred in BiH in the latter two-thirds of 1992. All of the patterns described above were present. A smaller number of alleged rapes and sexual assaults occurred in Croatia, mostly in late 1991. There were only a few sites of detention, run by both Serbs and Croats, and most of the reported rape and sexual assault occurred when tensions were high in an area or in conjunction with the fighting. Nearly all the rapes and sexual assaults reported to have occurred in the FRY were committed while the victims were in custody. Most occurred in late 1991 in Begejci, Stajićevo, and Livade camps near Zrenjanin, Vojvodina.

D. Conclusions

25. Rape and other forms of sexual assault harm not only the body of the victim. The more significant harm is the feeling of total loss of control over the most intimate and personal decisions and bodily functions. This loss of control infringes on the victim's human dignity and is what makes rape and sexual assault such an effective means of "ethnic cleansing". 27/

26. Some of the reported rape and sexual assault cases are clearly the result of individual or small group conduct, without evidence of command direction or an overall policy. However, many more cases seem to be part of an overall pattern. Factors to consider in discerning a pattern include: similarities among practices in noncontiguous geographic areas; simultaneous commission of other humanitarian law violations; simultaneous military activity; simultaneous activity to displace civilian populations; common elements of the commission of rape and sexual assault, maximizing shame and

humiliation to not only the victim, but also the victim's community; and the timing of the alleged rapes and sexual assaults. The presence of these factors strongly suggest that a systematic rape and sexual assault policy exists, but this remains to be proved. It is clear that some level of organization and group activity is required to carry out many of the alleged rapes and sexual assaults. One factor in particular that leads to this conclusion is the large number of allegations of rape and sexual assault which occur in places of detention. Out of about 1,100 reported cases, about 600 occurred in places of detention. These custodial cases do not appear to be random and indicate a policy of at least tolerating rape and sexual assault or the deliberate failure of camp commanders and local authorities to exercise command and control over the personnel under their authority.

27. Some of the allegations of rape and sexual assault are clearly instances of a policy of commission. In some cases, military commanders and camp commanders are reported to have ordered their subordinates to rape and sexually assault people who were not members of the subordinates' ethnic or religious group. Other cases point to a policy of omission, where military and camp commanders failed to prevent such conduct and failed to punish their subordinates for such criminal behaviour when it was discovered. There is evidence that rape and sexual assault have been used by all parties of the conflict to displace targeted ethnic groups, though not necessarily as part of an overall policy of "ethnic cleansing". However, the vast majority of victims are Bosnian Muslim and the great majority of alleged perpetrators are Bosnian Serb. Serbs reportedly run over 60 percent of the 162 detention sites where detainees are allegedly raped and sexually assaulted. 28/ Finally, for purposes of prosecution, it is important to distinguish between "opportunistic" crimes and the use of rape and sexual assault as a method of "ethnic cleansing". 29/

II. GEOGRAPHICAL ANALYSIS

A. BiH

1. Banja Luka 30/

28. This county is in the north-west quarter of BiH, and, according to the 1991 census, had a population of 195,139. Bosnian Serbs comprised the majority at 54.8 per cent, while 14.9 per cent were Bosnian Croat, 14.6 per cent were Bosnian Muslim, 12 per cent described themselves as "Yugoslavs", and the remaining 3.7 per cent were "others".

29. According to Helsinki Watch, which interviewed Bosnian Muslims in August of 1992, a succession of five draft notices had been issued to men in the Banja Luka area since April 1992, when the war began. The mobilization calls were broadcast on the radio, and those who responded were given mobilization slips, which allowed them to go to work. Men who refused to join the Bosnian Serb army were not allowed back into their workplaces. Businesses owned by Muslims were destroyed, and there was frequent, random gunfire. These circumstances caused the local Bosnian Muslims and Bosnian Croats to fear attack and created in them a desire to leave the region. Additionally, notices were posted at the bus station, stating that unless Croats and Muslims presented documents from the local military stating that they had agreed to leave the area permanently, bus tickets would not be sold to them. 31/

30. This section of the study contains 11 reported cases, none of which are direct testimony. Six of the reports 32/ allege that the victims were Bosnian Muslim, while the rest do not specify the nationality, religion, or ethnicity of the victims. Many of the reports do not indicate the ages of the

victims. The reported ages of victims fall between seven and 65 and most are women of reproductive age. Four reports state that the alleged perpetrators were of Serbian ethnicity, 33/ but do not state their nationality. Three reports date the alleged attacks. One occurred in April of 1992, 34/ one occurred on 27 February 1993, 35/ and the third occurred on 29 September 1993. 36/ The remaining nine reports do not state when they allegedly occurred.

31. Two of the reports describe assaults that did not occur in custodial settings. In February 1993, three uniformed Serb irregulars robbed a Muslim household and allegedly raped or sexually assaulted a woman in front of her husband. 37/ In September 1993 two elderly women were reportedly raped in a village in Banja Luka. 38/

32. Six reports describe rape and sexual assault in the Manjača prison camp. According to Helsinki Watch, Manjača had been a Yugoslav army camp before the war. It was situated on top of Manjača Mountain, south of the city of Banja Luka, in Banja Luka county. Many prisoners from Prijedor were transported there. It was closed, reportedly with the help of the ICRC, between 14 and 19 December 1992. It held at least 3,917 prisoners. 39/ Women were reportedly brought to this camp from many places in BiH. One report involves a woman from Foča in the south-eastern part of BiH, who was burned with "hot irons" during her detention. 40/ Another report comes from a woman from Vlasenica, also in the eastern part of BiH. She became pregnant as a result of rape. 41/ Finally, a report states that women were taken from Kotor Varoš to Banja Luka and raped. 42/

33. The most detailed report comes from a Bosnian Muslim woman, whose age and occupation are known. She was interned in the camp with her two young children. She states that two camp guards, identified by nicknames, raped her in front of her two children. Her daughter was also raped twice, but the perpetrators were not specified. 43/ The same witness stated that she saw camp guards rape a seven year-old girl in front of her mother and other inmates. The girl died of her injuries. 44/ The remaining two reports generally describe rape and sexual assault committed by guards and others at Manjača Camp. 45/

34. The last report in this section states generally that there is a "rape/death" camp, housing girls and women up to 25 years of age, at Laktaši in Banja Luka County. 46/

2. Bihać 47/

35. This county is in the north-west quarter of BiH, bordered on the west by Croatia. According to the 1991 census, the population was 70,896. Muslims were the majority with 66.6 per cent of the population, Serbs comprised 17.8 per cent, 7.7 per cent were Croat, 6 per cent described themselves as "Yugoslav", and 1.9 per cent fell in the "other" category.

36. There are five second-hand reports in this section of the study: Two reports concern camps in the village of Ripač, 48/ where Bosnian Muslim women were allegedly abused by Serbian forces of unidentified nationality. Another report alleges that there is a camp in Račić, 49/ and a fourth report alleges the existence of a camp in a house run by an identified man. 50/ At this house, the victims are described as Bosnian Serb. There is another report stating that the alleged victims are Bosnian Serb women. Rapes were said to have taken place in Bakšaiš village hall. The alleged perpetrators are Tudjman militiamen, Izetbegović militiamen, and local Muslims. 51/ The final report states generally that many women were

repeatedly raped in Bihać, and that a pregnant woman's abdomen was cut and the foetus removed. 52/

3. Bijeljina

37. Bijeljina county is in the north-east quarter of BiH, bordered on the east by Serbia. According to the 1991 census, the total population of Bijeljina was 96,796. Of this number, 59.4 per cent were Bosnian Serbs, 31.3 per cent were Bosnian Muslims, 4.4 per cent were described as "Yugoslav" and 4.9 per cent were categorized as "other".

38. This section contains 11 reports, 10 of which are second-hand accounts. Five reports describe rapes occurring in a setting where the victims were not in custody. According to one witness, a Bosnian Muslim machine technician, paramilitaries took over the town of Bijeljina in April 1992. Two paramilitary groups were involved: Arkan's forces and the forces of another identified man. The second man had reportedly been promised control of Bijeljina by Arkan. After they seized control of the town, the two groups conducted house-to-house weapons searches. While Arkan's men only looked for weapons, the second paramilitary group looted, vandalized and raped as well. 53/

39. Janja, another town south of the town of Bijeljina, was attacked by Bosnian Serb forces in May 1992. One witness reported that her husband was killed and that she and her daughter were raped. 54/ Another report states that there are allegations of killings and rape in Janja in May 1992 and later. 55/ In December 1992, 14 Serbian soldiers broke into a house, beat the father and son of the house, and raped the mother and daughter of the house. 56/ These incidents are among the seven which were non-custodial.

40. In addition, four custodial settings are described; one is the town of Janja, 57/ another is the secondary school centre in Bijeljina county, 58/ the third is a camp in Petkovići village 59/ and the last is the barracks at Bijeljina, where a number of young girls are kept to be used as "troop comforts". 60/ Most of the accounts do not discuss the time frame of the alleged assaults. The dates identified are April 1992, 61/ May 1992, 62/ and January 1993. 63/

41. Only two of the victims are named. 64/ The rest of the victims are unnamed; where specified, they are identified only as Muslim girls or women. Similarly, none of the perpetrators are named; where specified, they are identified as Serbs, though one report states that the perpetrators are Serbs under the control of a man with the same name as the paramilitary leader. 65/

4. Bosanska Dubica 66/

42. This county is located in north-western BiH, bordered on the north by Croatia. According to the 1991 census, the county had a population of 31,577, 69.1 per cent of which was Serbian, 20.5 per cent of which was Muslim, 5.8 per cent of which identified themselves as "Yugoslav", and 4.6 per cent of which were identified only as "other". This section of the study contains four reports of sexual assault. One report is testimony and three reports are second-hand accounts. Each of the reports alleges that sexual assault and rape occurred in a custodial setting. Two allege that there was a camp or brothel organized by an identified man in Moštanica. 67/ One of these reports states that the victims were Bosnian Muslim and Bosnian Croat. 68/ The other two statements allege the existence of a camp where rape

occurred. 69/ One of these states that a camp was located in a gymnasium. 70/ The alleged perpetrators were described in these reports only as Serbs. None of the reports gives a date of occurrence.

5. Bosanska Gradiška 71/

43. This county is in the north-western quarter of BiH, just east of Bosanska Dubica, bordered on the north by Croatia. It had a prewar population of 60,062, according to the 1991 census. Serbs comprised the majority of this county's population at 59.5 per cent, Muslims were 26.7 per cent, 5.4 per cent described themselves as "Yugoslavs", and 2.5 per cent fell in the category of "other". This section contains two second-hand reports, both of which allegedly occurred in non-custodial settings.

44. One report describes two rapes which allegedly occurred during the attack on Liskovac. The victims were Bosnian Muslim, but the perpetrators were not identified, except as men in uniform. On 1 August 1993, 12 men in uniform broke into a Bosnian Muslim home, beat the inhabitants, and destroyed their belongings. An 80 year-old woman who protested was shot in the head, as were two other men in the household. 72/ Reportedly, the soldiers were drunk. 73/ An 18 year-old in the household was raped repeatedly. 74/ The group then went to a neighbouring house, where they beat and shot the Muslim owner, beat and raped his 27 year-old wife, and shot her mother-in-law dead. 75/ The mother apparently tried to intervene. 76/

45. The second report describes an alleged break-in and rape of a Bosnian Muslim woman in the presence of her family. 77/ No further details were provided.

6. Bosanska Krupa 78/

46. This county is located in north-west BiH, bordered on the north by Croatia. The population was 58,212 before the war. Muslims were the majority with 74.5 per cent, 23.6 per cent were Serbs, and 1.9 per cent were described only as "other". There are five reports in this section of the study, all of which are second-hand. Three reports allege the existence of a camp where Bosnian Muslim women are kept for the purpose of rape by Bosnian Serb forces in Jasenica, 79/ and the other two allege the existence of such a camp run by Bosnian Serb forces for Bosnian Muslim women at the elementary school Petar Kočić. 80/ Four reports are dated from May through July of 1992, and the fifth does not specify a date.

7. Bosanski Brod and Odžak Counties 81/

47. These counties are located in north-east BiH, bordered on the north by the county of Slavonski Brod in Croatia. 82/ War began in these regions on 18 April 1992, when units of the Croatian National Guard of the Republic of Croatia crossed the Sava river, aided by members of the Croatian Democratic Union for the Commune of Odžak in the Republic of BiH. Croatian forces held this region until mid-July when they were finally forced to withdraw by the Serbs. Serb Army forces regained control of Bosanski Brod and Odžak between 13 and 15 July. The human rights violations contained in this report occurred just prior to and during the Croatian Army's occupation of this region. 83/

48. Upon the initial Croatian offensive, villagers fled to surrounding towns yet untouched by the attack and to the safety of the region's forest. Those

not immediately able to escape were either killed during the siege of their village or interned by the Croatian forces in camps. Many of those who had originally fled, to the forest and other villages, were later found and interned in these camps as well. The reports compiled here describe internment in the Odžak Camp of Strolit, at the elementary school in Odžak, and at the sports stadium in Bosanski Brod. It was in these camps and in the villages and forest of the region that violations allegedly occurred.

49. This section of the study contains 89 allegations of rape and sexual assault in Bosanski Brod and Odžak counties. 84/ Forty-two of these allegations are in the form of testimony of the alleged victims and/or eye-witnesses; 46 are second-hand reports. Of the testimony, there are two particular incidents provided in the form of a confession by a Croatian soldier. 85/ The victims and witnesses of the violations are both camp ex-detainees and inhabitants of the region. The majority of alleged victims are identified as Bosnian Serb or as being of "Serbian nationality", although a handful are identified as Bosnian Muslim. The reported victims of rape and sexual assault are mostly women between the ages of 9 and 65. The majority of them are of "reproductive age" (between 15 and 40 years old).

50. The main perpetrators found in this report are identified as Croatian. They are further specified to be members of the Ustaši, Croatian police, or Vatreni Konji. The Vatreni Konji, translated as the "Horses of Fire", is a paramilitary group, reportedly part of the 102nd Brigade of the Croatian Defence Council. In several reports, camp guards and the commander of Odžak camp are also alleged to have committed rape and sexual assault. Finally, in two reports, Muslims are reported to have acted with, and under the command of, Croatian soldiers in crimes against Serb civilians. 86/

51. The reports in this section come from the following sources: the large majority of them were submitted to the U.N. Commission on Human Rights by the Yugoslav Government State Department or Chargé d'Affaires; others came from the Serbian Council Information Centre; a number of reports regarding the "Horses of Fire" were submitted by the Inter-agency Group of the Government of the Federal Republic of Yugoslavia (IAGGFRY); several were sent by Amnesty International and Helsinki Watch; and a few by the Ministry of Health, Croatia.

52. From among the allegations, 33 reports describe violations occurring while the victims were in custody. Most of these incidents took place at the aforementioned camps. There was one incident in which a Serb woman was taken from her home by a former schoolmate, and kept in a vacant apartment near the stadium in Bosanski Brod for 10 months. She was raped there repeatedly by her abductor and once by his cousin. 87/ Another instance of custodial rapes, which did not occur in the camps, involves the shipment of women from the region to Slavonski Brod and Kolibe, BiH. There, Serb and Muslim women from Derventa and Gornje Kolibe were kidnapped from their villages and taken to homes for "use" by the Croatian Army. 88/

53. At the camps, different types of rape and sexual assault violations were allegedly committed. At Bosanski Brod, women reported being gang-raped, and also being raped repeatedly by the same soldiers during their entire detention. One eyewitness described a gang-rape in which a female prisoner was raped by 41 men before she was shot in the head. 89/ Most often, the victims describe being taken by soldiers to a warehouse, warehouse office, or an area near an oil refinery to be raped. From the reports, it appears that most women were not raped in the main detention centres of the camp, although they were raped in front of each other. There is one allegation of sexual assault committed against men at Bosanski Brod. In this case, men were forced to perform fellatio on each other. 90/

54. At the Strolit Camp and elementary school in Odžak, a number of other remarkable assaults occurred, in addition to rape. For instance, there are several reports from Strolit which describe "camp weddings" organized by a Croatian Army commander, who was allegedly the camp warden, and his assistant. These weddings were arranged with prisoner "brides" and "bridegrooms". The prisoners chosen for the "weddings" were to be as incongruent as possible in physical appearance, educational background, and age. 91/ They were forced to drink alcohol and engage in sexual intercourse while other prisoners were made to drink, play guitar, and watch. 92/ There are also reports from this camp of prisoners forced to have sex with an identified mentally-handicapped woman. 93/ Finally, the majority of alleged castrations occurred in these two detention camps. The most graphic of the reported castrations involved a named Croatian woman. She is reported to have ordered a Great Dane to attack naked detainees and bite off their genitals. 94/

55. Of the 56 allegations of non-custodial rape and sexual assault, 43 are linked to the Vatreni Konji, or "Horses of Fire". This group of paramilitaries would take women in Odžak from their homes at night to a house or forest to be gang-raped. The victims were either returned in the morning or abandoned outside the house or in the forest in which they were raped. Several reports describe the victims having to return home on their own, without clothes.

56. These "hostage" rapes allegedly occurred from May to August, 1992, with many of them taking place in batches (4 and 5 June, and 28 June to 2 July). The majority of reports describe the Vatreni Konji taking women from Novi Grad and its surrounding villages (in particular Posavska Mahala, where it seems many of the perpetrators were from). These men raped in groups of up to 10. Often, they were drunk and quite abusive to the women they raped. From the reports, they seem to have preferred young women, the youngest being a nine year-old girl. 95/ Many of the victims report that they knew their assailants since they were all from the same region.

57. These paramilitaries were never detained or severely punished for their abuses because they are alleged to have threatened police and local officials. In one instance, the perpetrators were detained after the rape of a woman, but were then released when the residents of Posavska Mahala threatened Novi Grad with physical retaliation. 96/ Today, many of the members of Vatreni Konji are still in flight.

58. Some non-custodial reports also state that victims were abused by the police or individuals who claimed to be the police. 97/ Still others report men acting on their own. In these instances, it seems that certain individuals were simply taking advantage of the current climate of chaos in the region.

59. A number of locations were reported as sites of rape and sexual assault. They include:

Private houses;
Victims' houses;
Stadium in Bosanski Brod;
A building materials warehouse, a settlement, and a housing estate;
Odžak camp;
Slavonski Brod camp;
Brothels in Slavonski Brod;
Houses provided as safe havens for women in Novi Grad;
Elementary school at Odžak; and
Forest in the region.

60. Forty-one alleged perpetrators were identified by name in the reports. Among them was the Odžak camp warden, whose name appeared in at least four incident reports. Seventeen of the named perpetrators were specifically identified in as few as two reports and as many as eight. The following groups were also implicated as perpetrators:

Vatreni Konji;
Ustaši;
Croatian MPs;
Croatian soldiers;
Croatian National Guard;
Police;
Croatian men; and
Muslim men.

Also, there is a list of members of the Vatreni Konji compiled by the Yugoslav mission. It is not reproduced here in full because not all the names in that list appeared in the reports used in this study. Because that list was based on the reports used in this study, plus reports that did not contain allegations of rape and sexual assault, the remaining perpetrators on that list were probably not involved in these particular crimes.

8. Bosanski Novi

61. This is a county in the north-west quarter of BiH, bordered on the north-west by Serbian Krajina section of Croatia. According to the 1991 census, the region had a population of 41,541. Serbs were the majority of the population, comprising 60.4 per cent, Muslims made up 33.9 per cent, 3.7 per cent called themselves "Yugoslavs", and 2 per cent fell into the category of "other". This section of the study contains only one allegation of rape. According to refugees from Bosanski Novi, many young Bosnian Muslim women from the town of Bosanski Novi were raped by unidentified Serbs. 98/

9. Bosanski Petrovac

62. This county is located in the north-west quarter of BiH and is bordered on the west by Croatia. Before the war, this county had a population of 15,552, according to the 1991 census. Serbs were the majority, at 75.2 per cent of the population, Muslims comprised 21.1 per cent, and the remaining 3.7 per cent were described only as "other". There is one second-hand report in this section, which is based on the victim's videotaped statement.

63. In early September 1992, two Bosnian Serbs from the town and three other Serbs came upon a group of Bosnian Muslims in a field in a town in this county. Two of the Serbs abducted the victim's husband and another man. The victim, a Bosnian Muslim woman in her thirties, was taken to a nearby house, forced at knife-point to strip, and raped by one of the Serbs. She was raped a second time by another Serb. The victim was released and found her husband who had been bound with chains, beaten and burned with cigarettes. The victim stated that she saw the soldiers take two young girls, aged 14 and 16, to the same house. From the girls' appearance, the victim concluded that they had been raped. 99/

10. Bosanski Šamac 100/

64. This county is located in the north-east quarter of BiH, bordered on the north by Croatia. The 1991 census places the population in the county at

32,835. Croats were the majority at 44.7 per cent, Serbs were 41.5 per cent, Muslims were 6.8 per cent, and 7 per cent were described only as "other". There is one general, second-hand report in this section, describing a rape by otherwise unidentified Serbs. 101/ There are no more details given. A second report states that there were about 800 prisoners in a Serb-run camp in the county. The population at the camp were Croats, Muslims and Albanians. The night of 7 May 1992, one prisoner was forced to swallow his feces, while another was forced to perform sex acts on a fellow prisoner. 102/

11. Bratunac 103/

65. This county is located in the central eastern part of BiH, bordered on the east by Serbia. According to the 1991 census, there was a population of 33,575 before the conflict. Muslims constituted a majority at 64.2 per cent of the population, 34.2 per cent were Serb, and 1.6 per cent were described as "other".

66. There are three general reports in this section of the study. According to a 26 year-old Bosnian Muslim student, in the first week of May 1992, residents of Bratunac were rounded up and sent to the local stadium. There, prominent people were killed and young women were raped. The people in the stadium were then loaded onto trucks and taken to unknown locations. 104/ Another very general report states that Serbs raided homes and raped young women. 105/ The last report states that doctors at Bratunac hospital have treated Bosnian Serbs who were mutilated by castration or cutting their nipples off. 106/

12. Brčko County 107/

67. This county is located in the north-east quarter of BiH, bordered on the north-east by Serbia. According to the 1991 Yugoslavian census, Brčko had a population of almost 100,000: 20 per cent were Bosnian Serb, 45 per cent Bosnian Muslim, and 25 per cent Bosnian Croat.

68. This section contains 38 reports of rape and sexual assault in Brčko County. Twenty-nine are second-hand reports, while nine are testimonies. Four report occurrences in non-custodial settings, 108/ and the rest report occurrences in custodial settings. The perpetrators are identified primarily as Bosnian Serb and Serbian Serb. Many reports, however, describe the alleged perpetrators only as Serbian. The reported victims are identified primarily as Bosnian Muslim, though quite a few are identified as Bosnian Croat. The reports are from the Bosnian government, Muslim non-governmental groups, the United States government, and various news sources. There are several detention sites referred to in this section. Notably, a number of the reports reveal an organized, systematic pattern of rape and gang-rape activity. 109/

69. Brčko was reportedly invaded by Serbian forces in April and May 1992. A camp was set up in a port facility on the Sava river, near the Ina-Luka gas station. 110/ The camp housed Bosnian Croat and Bosnian Muslim males and females, 111/ there was no effort made to separate the sexes. People were reportedly collected from the surrounding areas, segregated according to ethnic and religious affiliation, and then deported to Luka camp. One hundred to 150 Serbs from Belgrade reportedly worked in shifts of 50 inside the camp. 112/ They wore green camouflage and green berets with two eagles on them. 113/ These were the only Serbs allowed in the camp. They reportedly carried out interrogations, torture, rape and killings in small offices inside the two warehouses. At the corner of one warehouse was a room called the

"rape room" which measured about 2.5 by 3 metres. This room was reportedly where women were taken and raped. Prisoners were taken in and out of the camp every day, and civilian officials visited for a few hours every day. 114/

70. The victim selection was reportedly well organized at Luka camp. Several reports suggest that young Serbian woman was responsible for its administration. 115/ Reportedly, she brought a nurse to Luka to "prepare the girls and make them calm". According to the nurse's report, she watched as the Serbian administratrix stabbed a girl in the breast and vagina with a broken bottle for resisting instructions. The girl subsequently bled to death. Instructions to the young victims included submitting to sexual exploitation. The process commenced with the camp commander selecting a girl whom he reportedly took to a private location, and then in groups of three or four, the camp guards selected and shared one girl between them. 116/

71. The techniques of mistreatment, while similar to those reported in other sections, also included incidents of gang raping. 117/ It was also alleged, that on a daily basis, young girls were picked and taken to a canteen where they were raped. 118/ Sometimes the girls would disappear. 119/ One report states that Serbs at Luka castrated 15 young men. 120/ One perpetrator confessed that in one day he was allegedly forced to rape 12 women. 121/ According to two reports, Bosnian Serb paramilitaries alleged that they were forced to rape women and kill men to prove their loyalty to the Serbian state. 122/

72. Additional sources report the existence of a "Rape/Death" camp in Brezovo Polje, 123/ also noted for its organized rape activity. Several sources testified to the sexual violence and humiliation suffered by women, usually Muslims, at this site. 124/ Brezovo Polje is also the site where Serb soldiers allegedly rounded up Muslim women and girls and transported them to the Osnovo furniture warehouse in Caparde, Zvornik County. 125/ The girls were allegedly raped repeatedly there. 126/

73. Two sources report on the atrocities allegedly committed at the "Laser Company" restaurant in Brčko. 127/ Several other facilities were reported as sites of mass rape and sexual abuse, including: Hotel Elvis, 128/ Hotel Galeb, 129/ Restaurant Vestfalija, 130/ Hotel Galija, 131/ Interpler factory, 132/ camp at Borovo Polje, 133/ camp at Lončari, 134/ bordellos, 135/ Serbian lines, and the Serbian military hospital. Another report suggests that there were about 3,000 ex-detainees in the free territory of Brčko, 1,000 of whom were women. 136/ The reporter noted that approximately 500 of these women have been victims of rape. 137/ In addition, a number of girls between ages 15 and 17 were allegedly held by Serb soldiers in three other locations for sexual purposes. 138/ They include a coffee house called Westphalia near Stolina, a coffee house near Skijana, and a private house in Grčica. 139/ Grčica is in the city of Brčko, while the other two locations are in the suburbs, in the direction of Bijeljina. 140/

74. Most of the reported incidents occurred between April and July 1992.

(a) Victim information

75. Most victims were unidentified, but were described generally as Bosnian Muslim.

(b) Alleged perpetrator information 141/

76. Twenty-six alleged perpetrators were identified by name in the reports. Among them were several military officials.

13. Breza 142/

77. This county is located in the centre of BiH, just north-west of Sarajevo. The 1991 census places the prewar population at 17,266. Muslims constituted the majority at 75.6 per cent, Serbs were 12.3 per cent, 7.1 per cent were described as "other", and five per cent were Croats. There is one testimony in this section about a camp located in this county. A Bosnian Serb woman reported that she was abducted by 10 men in camouflage uniforms with lily insignia on their hats and raped repeatedly. 143/ She was held in a camp with seven other women from 26 May to 15 August 1992.

78. The camp was reportedly run by a man, identified by nickname. The witness and other detainees were repeatedly beaten, raped, and forced to do hard labor. They also witnessed a father forced to rape his daughter. 144/

79. The witness became pregnant and received an abortion in Belgrade. According to the doctor's case file, she was 20 weeks pregnant, depressed, anxious, tearful, overwhelmed, and had feelings of shame and suicide. It was the doctor's opinion that the witness required serious psychiatric treatment. 145/

14. Bugojno 146/

80. This county is located in the west central section of BiH. Before the war, it had a population of 46,843, according to the 1991 census. Muslims were the majority at 47.1 per cent of the population, Croats comprised 44.1 per cent, Serbs were 18.9 per cent, and 4.9 per cent were described as "other". There are eight second-hand reports in this section.

81. Fighting began in this area as early as February 1993. In conjunction with the fighting, Bosnian Muslim paramilitaries raped Bosnian Croat women. 147/ According to the UN Centre for Human Rights, the fighting in Bugojno started on 18 July 1993. By 29 July, the HVO had surrendered. Immediately after that, 5,000 Croats fled at the suggestion of the HVO. About 2,500 civilians 148/ and 350 HVO prisoners of war still live in the city. BritBat and the ECMM try to monitor the situation, but the remaining Croats are reportedly not well-treated. 149/

82. Five reports, in this section of the study, concern rape in a noncustodial setting. In September of 1993, an identified person told the UN Centre for Human Rights that there had been five recent cases of rape, including one where the husband discovered his wife raped and dead, but was afraid to report it. Some of the victims found refuge in the local Catholic church. Apparently, the perpetrators were put in prison but then set free. 150/

83. According to Major G. Binns, speaking at a briefing in Gornji Vakuf, in September of 1993, there were two documented cases of rape of Croatian women by Muslims, but the Major believed that there could have been as many as 10 cases. The ECMM has tried to investigate at least two of the cases. 151/ These two women may be the subjects of the next report. The ECMM reported that on 17 August 1993, two women, aged 50 and 51, were raped near Bugojno.

Two suspects were arrested. The alleged rapes were so "bestial in nature", that the reports are being submitted to the War Crimes Commission. 152/ Another report, which may describe the same incident, states that two Croatian women were subjected to a night of multiple and continuous rape while others watched. The perpetrators were reportedly "known for such activity". 153/

84. There are reportedly three sites where women are kept in custody and sexually abused. These sites were allegedly operative during 1992, before the Muslim and Croat fighting broke out. Serb women were reportedly held at each of these locations. At the Slavko Rodić factory, about 100 Serbs had allegedly been tortured by mid-summer 1992. Women were reportedly the principle victims of torture, and most were reportedly publicly raped by their "Ustaša jailers". 154/ The last two reports allege that about 30 Serb women were kept at the Rostovo Ski Centre and about 15 Serb women were held at the house of a killed Serb, Relja Lukić, reportedly for sexual entertainment. 155/

15. Busovača 156/

85. This county is in central BiH, just north-west of Sarajevo. According to the 1991 census, it had a population of 18,883. Croats comprised the majority with 48.1 per cent of the population. Muslims were second with 44.9 per cent, and 7 per cent of the population was described as "other". This section of the study contains three reports, two of which describe sexual assaults in noncustodial settings, and one of which describes an assault of a victim already in custody.

86. On 8 May 1993, a Muslim woman was raped by a man in HVO uniform. The perpetrator took her from her house to another house about 500 metres away, where he raped her. The police had two suspects and hoped to arrest them on 9 May. 157/ Another report alleges generally that there was one incident of rape in May or June 1993. Reportedly, the military perpetrators were sentenced by an HVO military court. 158/ These reports may be describing the same incident.

87. The last report identifies locations where Bosnian Serbs were held in custody by the Croatian Democratic Union. The site was called the "Black House" and housed both women and men. The witness heard his wife and daughter being raped in the cell next to his by a former co-worker. 159/

16. Čajniče 160/

88. This county is located in the south-eastern quarter of BiH, bordered on the south and east by Serbia. It had a prewar population of 8,919, according to the 1991 census. Serbs made up 52.9 per cent, Muslims 44.9 per cent, and 2.2 per cent of the population was described only as "other". This section contains one second-hand report from the government of BiH. It alleges that the elementary school in the county was used to house women for the purpose of sexual entertainment. The inmates are reportedly Bosnian Muslim, and the perpetrators are described only as "Četniks". 161/

17. Derventa

89. This county is located in the north-east quarter of BiH, bordered on the north by Croatia. According to the 1991 census, Derventa had a population of 56,328. Serbs comprised 40.8 per cent of the population, 39 per cent were Croat, 12.6 per cent were Muslim, and 7.6 per cent were described as "other".

This section contains two second-hand reports. One alleges that a 10 year-old was raped by a "Četnik". 162/ The other is a general report alleging that during a Serb attack on Derventa, they raped and killed residents. 163/

18. Doboj 164/

90. This county is located in the north-east quarter of BiH. Before the war, it had a population of 102,546, according to the 1991 census. Muslims were the majority at 40.2 per cent of the population, Serbs were next with 39 per cent, 13 per cent were Croat, 5.5 per cent called themselves "Yugoslavs", and 2.3 per cent fell into the "other" category. This section of the study contains 34 reports of alleged rape and sexual assault. The alleged perpetrators are described, primarily as members of the Serbian forces, including the JNA, Serb militia, Četniks, or members of Milan Martić's police forces, and the victims are identified primarily as Bosnian Muslim. The ages of the alleged victims were mostly unspecified, and ranged from 14 to 45, with most above 30.

91. The sources of the reports in this section include the governments of BiH, Croatia and the United States, as well as Helsinki Watch and news sources.

92. Several reports state that Doboj central high school, located in the Usara section of town, was a facility where hundreds of women and girls were detained and allegedly raped and gang-raped. One report details how the women and girls were collected and transported to the school. Serbian soldiers separated the women and children from the men in the village and then called names from a list. 165/ Another report claims that the women were lined up for selection, some women were put on a bus and moved out of the area, while others were loaded onto a separate bus and sent to the high school. 166/ One woman claimed that there were hundreds of people at the camp, 167/ another placed the population at 600, 168/ while a third stated that approximately 1,000 women a day were raped by unspecified men. 169/

93. The quality of the sources and the corroborating testimony support the likelihood of the facility's existence. It appears that the reports are citing the same school, which seems to have been used as a rape camp for many months. The school was in operation as early as May 1992 170/ and as recently as January 1993. 171/ Each day, soldiers came with flashlights and selected women to be taken to classrooms, where they were reportedly raped or gang-raped by as many as 10 men. Afterwards, they were returned to the gym. Many women claim to have been raped every day and sometimes by men they knew (despite the alleged perpetrators' efforts to hide their identity). 172/ In addition to being raped, it is reported that the detained women were raped with foreign objects, urinated on, beaten, and spat on. 173/ One woman stated that she was specifically targeted because she was the wife of a leader of the Muslim party. 174/

94. The reports also claim that the alleged perpetrators made statements suggesting that a purpose of the detention and repeated rapes was to impregnate the victims. For example, one report states that the reason they were being held was to "make Četnik babies". Other reports provide claims that indicate this to be the case. One woman testified that pregnant women were transferred to a hospital and fed twice a day, in anticipation of bearing offspring. 175/ Another woman said a man who claimed to be a gynecologist examined the victims to see if they were pregnant. He said pregnant women get better treatment. 176/

95. The second facility allegedly used for rape was the Serbian Red Cross Refugee Camp. Reportedly, victims were regularly taken from the camp to an apartment in Pijeskovi, a section of Doboj, where they were raped. After the rapes, they were returned to the camp. The process was repeated every few days. 177/

96. Several reports detail rapes allegedly committed in the homes of the victims during June 1992. Fathers or sons were often present during the rapes. Four reports describe rapes that were perpetrated near the victims' male family members.

97. The following is a list of the locations of where sexual assault reportedly occurred in the area:

Victims' homes;
Middle School Complex gymnasium;
School camp;
Usara High School camp;
Serbian Red Cross Refugee Camp;
Mala Bukovica;
Vukovići Čivčija; and
A house in Lukavica.

98. The dates of the alleged rapes were mostly in June and August 1992.

(a) Alleged victim information

99. The victims were described primarily as Bosnian Muslim.

(b) Alleged perpetrator information

100. General Forces identified:

JNA;
Četniks;
Police forces of Knin in Croatia (commanded by Milan Martić);
Beli Orlovi ("White Eagles" paramilitary);
Serb soldiers and militia;
Soldiers with "SMP" on uniforms.

The reports also identified several perpetrators by name, among them the reported commander of the high school facility. Additionally two other alleged perpetrators were named.

19. Donji Vakuf

101. This county is located in the west-central part of BiH. According to the 1991 census, this county had a population of 24,232. The majority of the population was Muslim at 55.3 per cent, 38.7 per cent were Serb, and 6 per cent were described only as "other". There are two reports in this section describing sexual assault in a situation where the victims are in custody. The first alleges that a 22 year-old woman from Bugojno was kidnapped from a bus, on 27 April 1992, by Serbian forces. These forces detained her and another woman in a house for six months and raped them repeatedly until 10 July 1992. She was released in a prisoner exchange on 1 October 1992. 178/ The second report appears to be a medical record of the woman described in the first report. Though it does not identify the ethnicity or

nationality of the two victims, the perpetrators are named and identified. One was a civilian and the other a man in uniform. 179/

20. Foča and Kalinovik Counties 180/

102. Before the outbreak of fighting, Foča was a small, predominantly Muslim town in Eastern Bosnia. Based on the 1991 census, the total population of Foča was 40,513, of which 57.6 per cent was Muslim, 45.3 per cent was Serbian, and "others" comprised 3.1 per cent. It was one of the first towns Serb forces seized in Bosnia. Power was seized by three top associates of Radovan Karadžić: Velibor Ostojić, Vojislav Maksimović, and Petar Čančar. These individuals are reported to have organized the military assault on Foča in April 1992, taking control of the region. 181/

103. Serb forces have denied the foreign press and international organizations access to Foča since April 1992. Because they have only recently been given access, this document does not contain any new reports. Most of the information has come from refugees who left the area in August 1992. Because the accounts in this section allege the frequent transportation of victims from one site to another within both Kalinovik and Foča, all of the sites in these two counties are considered to be part of the same region.

104. There are reports of approximately 63 incidents of rape and sexual assault included in this section, 28 of which contain direct testimony from the alleged victims. Most reports specifically identify the victims as Bosnian Muslim, and many reports imply that the victims may be Bosnian Muslim, either through the events described, or by the name of the victim. There is one identified Serbian victim, 182/ and one report alleges that Croatian women were sexually assaulted. 183/ A few reports make no reference to the ethnicity of the victims in any way. The ages of the alleged victims fell between 12 and 43, and the majority were under 30. The perpetrators were described as Bosnian Serbs, Serbian Serbs, and in some cases merely as Serbs. Additionally, many were described as "White Eagles", others as Četniks with Četnik insignia, or generically as "Četniks".

105. About 28 of the reported cases occurred in settings where the victims were not in custody. From April to September 1992, women were raped and sexually assaulted in their homes, the forest, and in other locations in the villages of Foča and Kalinovik. Most of these sexual assaults seem to have been coordinated with efforts to rid the area of Muslims. Several reported cases state only that women were raped. 184/ Other reports contain more details and identifying information. For example, in April, three Bosnian Muslim women were allegedly raped in their home in a village in Foča. The women were 14, 28 and 31 years old. Reportedly, Serbian soldiers broke into the home. One of the soldiers was identified as a "Commandant". According to the victim and her mother, this man raped the 14 year-old and forced her to perform oral sex while her mother was in the next room. The other two women were raped in other areas around the house, but reportedly the assaults to the police, identifying one of the perpetrators. Reportedly, no action was taken. 185/

106. In another incident in early June, a Bosnian Muslim woman described how she was raped in her home by an identified Serbian volunteer. She described herself as rich. The woman's husband and father were arrested in May. She described three groups of "Četniks" who travelled through the town during this time, one after another. One member of the first group tried to protect the woman and her family from harm. The second group, called the "Čelebići Četniks", came through looking for a Serb soldier wanted for rape and theft. The third group contained the man who raped the victim. He and a companion

came to her house. The companion unsuccessfully tried to stop the volunteer, who was drunk, from raping, so he protected and hid the victim's daughter. The volunteer raped the victim in her house. Afterwards, the victim fled and called police. Before the police arrived, men came to the house and shot at it, destroying much of the house. 186/

107. Also in early June, four men, two in uniform and two in civilian clothes, went to a woman's house, looking for the woman's sister. They took the woman, her sister, and another woman. Two of the men allegedly raped the first woman in a neighbouring flat. She stated that they cut the victim's clothes off with a knife and said that they were going to show her what Muslim men did to Serbian women. 187/ Another Muslim woman stated that she was raped at her home after her husband was arrested. Her mother-in-law and son were forced out and afterwards her house was set on fire. The family fled to Miljevina. 188/ In another case, three identified Muslim women were reportedly taken from their house to a flat where they were raped by three members of the Serbian army. The men threatened to kill them if they told what had happened. 189/

108. According to another Muslim woman, she was raped at a friend's house by three unknown "Četniks" in mid-August. The men told her that they behaved better than Ustaši behaved toward Serbian women. A friend witnessed the rape. This victim also alleged that an identified woman picked women for Serbian soldiers to rape. Additionally, the witness stated that an identified Serb commander saved her daughter, by taking her to Belgrade and arranging for her transport to Germany to "his place". 190/ Another identified Muslim woman reported that she was raped in her own home by one man she knew and two others. The man she knew said that he had to do it or the others would kill him. The victim and her family escaped the next day, when the men returned. 191/

109. Another woman estimated that about 100 192/ young Muslim women were raped in Eastern Bosnia in June and July 1992. She stated that she was raped by a Serbian neighbour, a police officer. He said "it is war, you can't resist, there's no law and order". 193/ This woman also stated that the real attacks in Miljevina started in August 1992. The alleged leader of the "Četniks" in the area was identified by this witness. The witness stated that nothing bad happened while this leader was in the town, but when he left, bad things happened to Muslims. 194/ In another instance, a Bosnian Muslim woman reported that she was gang-raped by uniformed men, and that a 19 year-old relative was also raped in her house. The women complained to the police, who reportedly told the women not to see a doctor but to go to Partizan Sports Hall in Foča and wait for an evacuation convoy. The women fled, after they saw four women abducted from the sports hall, and hid at a relative's house. 195/

110. In another case, an identified woman stated that a man she knew forced her to help him steal from a house. He hit her and told her to "shake her ass". He raped her for two hours. The victim named a witness to the rape. The victim stated that she tried to run away, but the man returned with three other men. They took her to another house where the three men raped her. Her children were outside the house, and she stated that they knew what was happening to her. 196/ Another Muslim woman stated that an identified woman 197/ sent two Montenegrins to her apartment. She reported that they raped her several times, stating that she should give birth to a "Četnik". 198/

111. In a village in Foča, five young women were allegedly raped and sexually assaulted by Serbian neighbours. The men reportedly threatened to kill the women's children if the women told anyone of the assaults. 199/ Another

woman described how Serbian soldiers rounded up fellow villagers, divided them into three groups, and killed eight men. They chose girls and young women, tore off their clothes, and raped them. The soldiers killed any man who reacted. 200/

112. Another Bosnian Muslim woman stated that she was raped in the forest by three men in Yugoslav Army uniforms. The men had been led to the woman by her former landlord. The woman became pregnant and was unable to terminate her pregnancy. 201/ Outside the village of Foča, a witness reported that a "Četnik" tried to rape a girl in the forest. The Serb forces were rounding up Muslim villagers. The girl ran and hid with her family in a dugout. The soldiers threw grenades at the dugout, killing the family. 202/ Another woman hid in the forest to avoid problems with Serb soldiers. While hiding, she saw three identified men take three Muslim women to a house. The women later told the witness that they were raped. 203/

113. These reports occurred primarily during the summer of 1992. At the same time, women were taken into custody and raped there. Beginning in March 1992, women and children were taken into custody. Women between 12 and 35 years old were reportedly taken out systematically and raped. 204/ There were several sites where predominantly Muslim women were reportedly held and raped by Serbian soldiers. One of the sites was Velečevo prison. 205/ Another site was the "Četnik" headquarters in Brod, Foča, 206/ and another was the police station in Foča. 207/ The Hotel Miljevina was also allegedly used to house women who were repeatedly raped. 208/

114. Several reports detail the removal of the population from two villages in Foča. People were rounded up in the villages in early July. The women and children were separated from the men. The women and children were then taken to a hydroelectric plant under construction. At the workers' barracks, the women were interrogated, and then raped and sexually assaulted. 209/ Estimates of the number of women taken to this site range from 35 210/ to 50. 211/ They were held at the site for about a day and then taken to the high school in Foča. 212/

115. At the high school, women, children, and elderly men were housed in classrooms. Every day, women and girls were removed from the classrooms, taken to other rooms or nearby apartments, and raped. 213/ One report stated that all women between 15 and 45 were raped. 214/ There are no estimates of the total number of inmates at the school, but one report stated that one classroom held almost 50 women and children. 215/ Some women were taken from their homes in surrounding villages directly to the school, without being taken first to Buk Bijeli. 216/ According to the reported cases, women were also beaten regularly. 217/ The women there were kept for several days, and the camp was reportedly closed 17 July. 218/

116. From the high school, the internees were taken to Partizan Sports Hall. 219/ There, women were taken out nightly and raped. 220/ Many women were taken straight from their villages to the sports hall, 221/ and at least two women were told by area police officers that they should go there for their own safety. 222/

117. The population of the camp was estimated to be between 37 223/ and 74. 224/ Every account describes the same scenario: Serbian guards or soldiers came into the hall at night, selecting women and girls, taking them to nearby houses, and raping them there. 225/ Three reports state that women were raped in front of the other internees. 226/ One report states that women were only beaten if they resisted rape, 227/ however, most of the other reports describe frequent beatings. 228/ One report quotes a named Montenegrin who beat up three girls for telling journalists they had

been raped, as saying "Listen, it's better to be fucked than to be beaten and fucked". 229/

118. Several reports state that the youngest, prettiest, and smartest women were targeted for rape. 230/ Other reports identify young victims, which support this allegation. 231/ The perpetrators were generally described as Serbs, and some were reportedly from Montenegro. One report stated that the sports hall was guarded first by Serbian police, then by retirees from Karadžić's Serbian army, and sometimes by special forces. 232/ Another witness states that the same 50 men were responsible for all of the rapes at the sports hall. They reportedly slept during the day and raped at night. 233/ Others imply that there were more men, stating that they were never raped by the same man twice. 234/ Perpetrators reportedly stated that the women would bear Serbian children and that if any of the women told of the assault, they would hunt the women down and kill them. 235/ Some members of the alleged perpetrators' ethnic group, and in some cases, some alleged perpetrators saved women and helped them escape. 236/ The local Serb leader 237/ is accused of running at least one bordello in Miljevina, and is also credited with saving several women from detention and from rape in detention. 238/

119. Several reports describe an event that occurred the night before the camp was evacuated. At least two women were taken from the hall to an outdoor stadium, where they were gang-raped. At least one of the women was gang-raped by 28 men before she passed out. 239/ The women were rescued by an identified Serb soldier. 240/ On 13 August the detainees at the camp were reportedly evacuated. 241/ At least some were taken to Montenegro. 242/ However, according to one report, Partizan Sports Hall was used one more time to house about 150 Muslims from Miljevina on 2 September 1992. The detainees were there for about five or six hours, and were then taken to Goražde. 243/

120. Some women were taken from the sports hall and from villages and placed in houses, where they were kept for the sexual gratification of soldiers. These houses have been termed "bordellos". 244/ One of these was reportedly organized by the local Serb leader. 245/ It was located in a storehouse formerly owned by a named Muslim. There were 12 named women and girls between 12 and 27 years old. The house was operational from at least June 1992 until March 1993. 246/ The girls were reportedly selected on the basis of the political activities of their relatives. 247/

121. In another village in Foča, 28 women were allegedly captured and raped by Serbian army troops and paramilitaries. They were then reportedly kept in detention for three months to prevent them from terminating their pregnancies. 248/

122. One more witness described a house where women were detained and repeatedly sexually abused. On 14 July 1992, she stated, Šešeljovci came to the witness' village and rounded up women, children, and elderly. The villagers were reportedly taken to the Foča police station and then placed into four nearby houses. The witness stated that a soldier told her that they were placed in these houses because they were not worth a bullet to kill them. Day and night, the witness asserted, 4 to 5 guards took 2 to 3 women at a time and raped them. Reportedly, the Serbian Democratic Party President, identified by name, played a tape of Marš na Drinu, 249/ and when this happened, the women were forced to undress. Men came and chose women to rape, reportedly seeking mother/daughter combinations. The witness stated that she was raped on two occasions, and once saw an 18 year-old raped by five men. The men who allegedly raped the victim told her that they would make her have Serb babies who will be Christians. The women were reportedly forced to drink

alcohol and eat pork. The witness also said that the men had been circumcised and that they stated that they had been circumcised so that they would not disgust the women. The witness also identified a hotel in the Foča area where women were taken and raped. On 13 August the detainees were evacuated from the town. They were taken to the Sandžak region of the FRY. The witness was hospitalized for four days, and stated that 30 detainees from Foča 250/ were pregnant as a result of rape. The women all had abortions except for one whose pregnancy was too far advanced. 251/

123. There are reports of one more camp in the primary school in Kalinovik. 252/ On 2 July 1992, drunk Serb militiamen reportedly broke into the school. One witness reports that they said, "Look at how many children you can have. Now you are going to have our children. You are going to have our little Četniks." They reportedly selected 12 women, took them to the Hotel Kalinovik, forced them to clean the hotel, and then raped them. The women were then returned to the school. Reportedly, 95 women were raped in the next 26 days. Pregnant women were spared, and women who became pregnant were reportedly thereafter spared. One witness stated that the first night, the militiamen randomly selected teenagers and raped them in bathrooms next to the gymnasium. After that, they selected women by name. On 29 August, the detainees were exchanged, and at least 15 women terminated their pregnancies in Mostar and Jablanica. 253/

(a) Victim information

124. Most reports specifically identify the victims as Bosnian Muslim, and many reports imply that the victims may be Bosnian Muslim either through the events described, or by the name of the victim. There is one identified Serbian victim, 254/ and one report alleges that Croatian women were sexually assaulted. 255/ A few reports make no reference to the ethnicity of the victims in any way. The ages of the alleged victims fell between 12 and 43, and the majority were under 30.

(b) Alleged perpetrator information

125. The reports identified by name 50 alleged perpetrators by name. Five among them were cited in as few as two and as many as five incidents. One alleged perpetrator was the Chief of Police and another was a military commander. Additionally, several groups were identified as having members who participated in the commission of sexual atrocities, among them:

Seseljovci (members of Šešelj's group);
Another identified paramilitary group;
Četniks with Četnik insignia;
Local Četniks;
Serbian Militia from Montenegro;
Serbian Police;
JNA;
Serbs from Montenegro.

21. Gacko 256/

126. This county is located in the south-eastern quarter of BiH, bordered on the east by Serbia. According to the 1991 census, the prewar population of the county was 10,844, with 62.4 per cent Serb, 35.3 per cent Muslim, and 2.3 per cent described only as "other". There are two reports in this section of the study. One report is a general allegation that 12 girls from 12 to 19

years old were raped on 1 August 1992 by Četniks from Miljevina. 257/

127. The second report, which is testimony, alleges that Serbs, including "White Eagles", invaded Gacko in mid-June 1992. The report names several perpetrators but does not state how they were involved. Women were taken to a small hotel named Košuta, which means "deer". They were taken to a large hotel room, searched for jewelry and money, and some were taken to a bedroom and raped. Men were reportedly taken to camps at Bileća, the next county south, and the women and children were returned to Gacko. On 4 July 1992, 780 women and children were reportedly taken to the Former Yugoslav Republic of Macedonia. 258/

22. Goražde 259/

128. This county is in the eastern central part of BiH, just northeast of Foča. The 1991 census places the prewar population at 37,505. Muslims were the majority with 70.2 per cent of the population, 26.2 per cent were Serbs, and 3.6 per cent were identified only as "other". This section contains six reports from the government of Croatia, the government of Yugoslavia, Helsinki Watch, and various news sources. All of the allegations concern rape and sexual abuse in non-custodial settings. Five of the reports describe 30 year-old Bosnian Muslim victims, who were allegedly raped in their homes by Serbian irregulars. 260/ The reports describe at least two different victims, and may describe as many as five different victims. Without more identifying information, it is impossible to be certain. One incident allegedly occurred in April of 1992, 261/ and one in July of 1992. 262/ All of the reported victims were impregnated and currently in Zagreb.

129. The remaining report in the section describes a camp in Vitkovci, Goražde run by Muslim "Green Berets". Bosnian Serb women were raped by Bosnian Muslim forces there. Men, women and children were also tortured and killed at the camp. The witness was imprisoned at the camp from 3 to 5 May 1992. 263/

23. Gornji Vakuf

130. This county is in the central part of BiH. The prewar population was 25,130, according to the 1991 census. Muslims comprised the majority with 56.1 per cent of the population, 42.6 per cent were Croat, and 1.3 per cent were described only as "other". This section contains one general second-hand report alleging that Bosnian Muslims sexually abused Bosnian Serb women and girls and circumcised Bosnian Serb boys. 264/

24. Jablanica

131. This county is in the south-west quarter of BiH, south-west of Sarajevo. With a prewar population of 12,664, Muslims were the predominant ethnic group at 72.1 per cent of the population, Croats comprised 17.8 per cent, 6.1 per cent were described as "other", and 4 per cent were Serbs. 265/ This section of the study contains four general reports, two of which are second-hand and two of which are first hand testimony.

132. According to an identified person, in June 1993, Muslim fighters asked the population of besieged villages to leave voluntarily, men who did not, were killed, women were raped, and children were forced to carry ammunition for the Muslim troops. 266/ The second report describes this killing by a special division of the BiH Army, the commander of which is named. In

Doljani village, approximately 56 people were killed; men, women, children, and the elderly. The bodies were mutilated, and many men were castrated. 267/ An eyewitness reported on this same massacre, detailing the castrations of the Bosnian Croat men of the Soldo family from the village. This witness stated that the attack was perpetrated by the MOS and members of "Zuka's special army". 268/ A woman of the village identified another victim of the attack who had been castrated. 269/

25. Jajce

133. This county is in the north-western quarter of BiH. According to the 1991 census, the county's population was 44,903: 38.8 per cent were Muslim, 35.1 per cent were Croat, 19.3 per cent were Serb, and 6.8 per cent were described only as "other". This section contains only one second-hand report, stating that Bosnian Muslims sexually abused Bosnian Serb women and girls and circumcised Bosnian Serb boys. Reportedly, they also forcibly converted Bosnian Serbs to Islam. 270/

26. Kakanj 271/

134. This county is in the centre of BiH, north-west of Sarajevo. According to the 1991 census, it had a prewar population of 55,847. Muslims made up the majority with 54.5 per cent, 29.8 per cent were Croat, 8.8 per cent were Serb, and 6.9 per cent fell into the "other" category. This section of the study contains one first-hand account and one second hand report, based on a witness interview.

135. The testimony describes the alleged detention of a Bosnian Serb woman by two Bosnian Muslim men. She reports that she was held captive from mid-August 1992 until early September 1992. She states that she was released when her captors believed she had not been impregnated. Reportedly, she was evacuated to Pale, where she learned she was five months pregnant, and eventually went to Belgrade. 272/

136. The other report states that the Bosnian army moved into the county, between 5 and 13 June 1993, and evicted Bosnian Croat civilians. The witness was given a free movement pass, and travelled with UNPROFOR to all the villages with Croatian populations. The witness stated that the Bosnian soldiers had raped and then killed Croatian girls. In the village of Slapnica, two women, 40 and 45 years old, named Jaga and Andja were killed. The witness found them dead in their bathroom and stated it was obvious they had been raped. 273/

27. Kalesija

137. This county is in the north-east quarter of BiH, just west of Zvornik, which borders Serbia. The prewar population was 41,795, according to the 1991 census. Muslims were the majority ethnic group at 79.5 per cent of the population, Serbs were 18.3 per cent and the remaining 2.2 per cent were classified merely as "other". On 18 May 1992, a teacher from Donje Vukovinje was raped in her own house by two Muslim men, while her Muslim neighbour was present. The victim related her experiences to a field officer for the United Nations Centre for Human Rights in Tuzla on 12 June 1993. 274/

28. Kiseljak

138. This county is located in central BiH. The 1991 census placed its population at 24,081, with 51.7 per cent Croat and 40.9 per cent Muslim. The remaining 7.4 per cent were characterized merely as "other". On 17 April 1993, Radio Kiseljak announced that UNPROFOR was scheduled to have operations in the village of Rotilj the next day. On that day, shelling began in the village and the HVO moved in and asked everyone to surrender their arms. On that same day, some villagers went to the lower part of the village and found seven dead. One woman among them had been raped. 275/ CANBAT LO, a part of UNPROFOR also reported that rape was committed in Rotilj. 276/

29. Kladanj 277/

139. This county is in the north-east quarter of BiH, just north-east of Sarajevo. It had a prewar population of 16,028, according to the 1991 census. Muslims were the majority with 73.3 per cent of the population, Serbs comprised 23.9 per cent, and the remaining 2.8 per cent were categorized as "other". According to one woman from Vlasenica, she and 42 other men, women and children were taken from Sušica camp in Vlasenica on 10 August 1992. They were told they were to be exchanged in Tuzla. However, the women and children were put into a room in a house in Pelemis, Kladanj. There were about 15 women and 10 men in the basement of the house. There, seven girls, ages 14 to 16, were raped two to three times a week, sometimes during the day. No other women were mistreated. 278/

30. Ključ 279/

140. This county is in the north-western quarter of BiH. This section contains 14 reports of sexual atrocities. Nine of the reports generally describe rape as a part of "ethnic cleansing" of Bosnian Muslims. 280/ The alleged perpetrators are described as Serbs, Četniks, paramilitaries, and Bosnian Serbs. The incidents described allegedly occurred in villages and the victims' homes. The timing of the alleged incidents was from May to October 1992, with most occurring from May to July.

141. One report describes a rape occurring in April of 1992. A young woman came to the town of Ključ to pay a tax. While there, a tall thin soldier raped her in the municipal building. Afterwards, he told a fellow soldier passing by, "I've just had a sugary treat", to which the soldier replied, "Fiery are the boys from Ribnik". The victim did not tell her parents because she was ashamed. She left Ključ in a convoy in September and gave birth to a boy in January 1993. She contacted her father, who asked her to join him but to leave the child behind. 281/

142. In another report, a signed witness statement, the witness identifies a man who she says raped his Bosnian Muslim neighbour. 282/ A third report states that in May or June 1992, eight Bosnian Muslim women were raped by Serbians in the town of Ključ, in front of the house in which they were taking shelter. One 60 year-old woman stated that she was raped by three men, one of whom forced his hand into her vagina and forced her to lick the blood. Two of the women were killed. 283/

143. In the last report describing sexual assault in a non-custodial setting with some detail, a 53 year-old woman reports that she was raped in her home. She was hiding there, with her husband and five other women, when Serbian soldiers broke into the home, forcing everyone outside. She was raped by three soldiers outside in front of the others. She was raped again on the

side of the house until she lost consciousness. When she awoke, she crawled upstairs to her bed. One of the soldiers found her and raped her. He then put his hand inside her, pinching, as if to pull out her internal organs. He forced her to lick the blood off his fingers. 284/ The woman's husband reported the rape to the police and she received medical attention. The police did not investigate or apprehend anyone. The victim and her husband fled to Travnik eight days after the assault. 285/

31. Konjic 286/

144. This county is located in the south central part of BiH, approximately 45 kilometres south-west of the centre of Sarajevo. According to the 1991 census, the population of Konjic was 43,636. Of this number, 54.5 per cent were Muslim, 26 per cent were Croatian, 15.2 per cent were Serb and the remaining 4.3 per cent described themselves as "other". This section contains 24 reports of alleged rape and sexual assault, one of which is testimony, the rest of which are second-hand reports. One report alleges that a woman was molested in her home 287/. Two reports allege that Bosnian Serb women were raped at the elementary school Zvonimir Beliša Nono in Bradina. 288/ The commander of this camp is named. 289/ Nine reports describe events at Čelebići Camp. 290/ An identified Bosnian Muslim was reportedly the commander of this camp.

145. Five reports describe sexual abuse of Bosnian Serb women by the commander, 291/ and one alleges that two men were forced to perform oral sex on guards of the camp. 292/ These events allegedly occurred in May of 1992. Also in May 1992, a number of Serb women held in the Konjic Sports Hall were raped by Muslims. 293/ The Sports Hall was also the site of an incident in which a Serb man was forced to have intercourse with a Serb woman while as many as 15 guards watched. 294/

146. Some of the remaining reports allege the existence of a brothel in Buturović Polje, 295/ one at Amadeus Cafe. 296/ One report states that a house in Džepi was used as a rape camp 297/ and that one woman who was raped there was also tortured and became pregnant as a result of the rape.

147. Two reports describe incidents in which unspecified women were raped in the village of Hlapčevići. 298/

32. Kotor Varoš 299/

148. This county is located in the north-western quarter of BiH. According to the 1991 census, the population was 36,670. Of this number, 38.1 per cent were Serb, 30.4 per cent were Muslim, 29 per cent were Croatian, and the remaining 2.5 per cent described themselves as "other". There are 13 reports in this section, five of which are testimony, and eight of which are reports. The sources of these reports are the governments of the United States, France and Croatia. This section also contains news reports and a submission from Tilman Zulch.

149. Generally, the alleged victims are described as Bosnian Muslim, and a few are described as Bosnian Croats. They are also generally described as young. The alleged perpetrators are described as Serbian, some from the Krajina region. Four of the incidents described allegedly occurred in non-custodial settings, while the remainder allegedly occurred in custodial settings. Locations of alleged rape and sexual abuse include the Vrbanja lumber factory, a camp, brothels, and the Hotel Borik. Some women were allegedly impregnated and detained until it was not possible to obtain

abortions. The events alleged in this section occurred from July until October of 1992.

150. Two testimonies (which may be from the same victim) describe an incident which allegedly occurred at the Vrbanja Lumber Factory in Kotor Varoš, 300/ where approximately 60 women and children were held after the occupation of the village of Dabovci. In August 1992, a 25 year-old Muslim woman stated that she was allegedly gang-raped repeatedly by Serbs. The rapes reportedly occurred at the saw mill after dark; the guards most often chose women between the ages of 16 and 35. 301/

151. Two reports describe camps in which a number of women and young girls were kept for the purpose of rape. 302/ In addition, two reports generally describe places of detention where girls and women were held for weeks or months for the purpose of rape. 303/

152. Four reports describe non-custodial single incidents of rape, 304/ all of which occurred in Kotor Varoš. At least one victim became pregnant as a result of the rapes. 305/ In one incident, a Croatian woman was taken with her husband to the police station, where the husband was beaten and the wife was raped by "prisoners". 306/ The remaining reports generally describe instances of rape in the Kotor Varoš region. 307/

33. Livno 308/

153. This county is located in the central western part of BiH, bordered on the west and south-west by Croatia. Data from the 1991 census indicates that out of a total population of 39,526, 72 per cent of residents were Croatian, 15 per cent were Muslim, 9.6 per cent described themselves as Serbs, and the remaining 3.4 per cent identified themselves as "other". This section contains one testimony alleging that Bosnian Croat and Bosnian Muslim perpetrators organized a brothel in Livno containing Bosnian Serb women. Only one woman there reportedly was not Bosnian Serb. The victim's former schoolmate assisted in the transfer and placement in another brothel in Sarajevo. 309/

34. Lopare

154. This county is located in the north-eastern quarter of BiH. According to the 1991 census, the population of the county was 32,400. Of this number, 55 per cent were Serbs, 37.7 per cent were Muslims, 3.9 per cent were Croatians, and 3.9 per cent described themselves as "other". This section contains one testimony, supplied by the government of Yugoslavia and the newspaper Borba. This testimony alleges that a Bosnian Serb woman was raped by unspecified perpetrators during an attack on her village. She was later taken to a camp in Tuzla. 310/

35. Mostar and Čapljina Counties 311/

155. These counties are in the central south region of BiH. This section contains reports of 16 incidents of rape and sexual assault in the Mostar and Čapljina region. According to the 1991 census record, the total population of Mostar was 126,067 of which 34.8 per cent were Muslim, 33.8 per cent Croatian, 19 per cent Serbian, and "others" constituted 10 per cent. The total population of Čapljina was 27,852, of which Croatians were a majority with 53.9 per cent, Muslims comprised 27.7 per cent, Serbians 13.5 per cent, and "others" 4.9 per cent. The alleged perpetrators are described as Croatian

paramilitary forces, though some are described as joint Croatian and Bosnian Muslim forces. The victims are described primarily as Bosnian Serb.

156. The patterns of reported rapes and sexual assault reflect the military activities in the area. In mid to late 1992, all of the reported cases of rape and sexual assault occurred in detention. The perpetrators were described as HOS members or generally as Croatians, while the victims were identified mainly as Serbs. Throughout 1993, cases of rape were reported, generally between Bosnian Croats and Bosnian Muslims. Additionally, all of the reported cases occurred in non-custodial settings.

157. From February to November, 1993, Bosnian Muslim paramilitaries allegedly raped Bosnian Croat women in areas of fighting. Access to conflict zones was limited, however, so that investigators could not confirm many allegations or estimate the scale of the reported sexual abuse. 312/ In April, on the West Bank of Mostar, two armed soldiers took an identified woman and her mother from their apartment. They forced the mother to cross the front lines to BiH territory. They took the victim to an abandoned apartment, where she was raped by them and another eight soldiers, one after the other. She was also forced to perform fellatio on several of the soldiers. The soldiers took her to the frontline and forced her to cross to BiH territory. 313/ In another incident in June of 1993, four Serbian soldiers wearing stockings over their heads entered a flat and raped a Muslim woman living there. 314/

158. Some of the reported rape cases targeted Croatians who protected Muslims, or Croatians and Muslims, in mixed marriages. In July, three HVO soldiers in uniform arrived at the flat of a Muslim woman married to a Croat. One stood guard outside while the other two entered the flat. The woman and her husband had been helping Muslims leave the West Bank of Mostar. The woman stated that the soldiers called her a "balija" and swore at her, accusing Muslims of killing Croats. She said that they told her that her husband was not a true Croat since he had married a Muslim. The soldiers then reportedly poured boiling milk on the woman's stomach and groin, and they both raped her. Her children were sleeping in the next room. Because of this incident and other harassment, the family fled the area for Croatia. 315/ In another reported case, a woman reported that she saw HVO members abduct a Croatian woman. The victim reportedly was trying to defend a Muslim family. The two soldiers dragged her to another flat and allegedly raped her there. 316/

159. In late September, two Muslim women were reportedly raped by HVO soldiers after being strip-searched. The alleged assaults occurred at a former Tuberculosis clinic in Mostar, called "the Dispensary". 317/ This incident of strip search and sexual abuse was apparently not isolated. 318/

160. In a custodial setting, sexual assault is reported to have occurred at the Dretelj facility, in a suburb of Čapljina from approximately April until late September 1992. The facility is a former JNA army barracks, currently under the control of Bosnian Croat forces. 319/ One report describes the camp as a fuel storage garrison housing 64 female and 100 male prisoners. 320/ Another witness stated that men and women were housed in separate hangars, and that 70 women from 30 to 80 years old were housed in the women's hangar. 321/ A third witness estimated the female population at 50 and described the living quarters as barracks. 322/ The camp was reportedly run by the HOS and an identified paramilitary group. 323/ One witness stated that the camp was run by a named "General", but that another identified man was commander for three days. 324/ It is unclear whether rape and sexual assault is still being reported in Dretelj or if the camp still houses women. 325/

161. There are reports from several witnesses, naming 15 women victims of rape and sexual assault at the camp. They each describe the same scenario of Serbian men and women arrested and brought to the camp. There, the men were tortured and sexually assaulted, 326/ and the women were raped. Men came into the women's hangar almost nightly, removed women, and raped them. The women were beaten and burned with cigarettes. 327/ Though the majority of the internees were Bosnian Serbs, there was one Bosnian Muslim woman and one Bosnian Croat woman detained at the camp. They were both married to Bosnian Serb men. 328/

162. One witness stated that she and other women and men were held at an old military hospital before they were taken to Dretelj Camp. At the camp, seven women and seven men were called by name. Two women were forced to perform sexual acts on each other, and the other prisoners were forced to watch. The men were beaten. They were all then taken to Dretelj Camp. 329/ Another witness was detained longer. She stated that she and five or six other female prisoners were raped their first night there. One girl was raped twice. She and the other women were transferred to Dretelj after eight days at the military hospital. 330/

163. There were several other sites where people were detained and sexually abused. One witness stated that three women held in the HOS jail in Čapljina were raped there. The women were then taken to the old jail. 331/ A woman, who may be one of the three the previous witness referred to, stated that she was held at Mostar University. She was forced to undress and was publicly raped. HOS members than forced three other detainees to rape her. She was then taken to the Čelovina jail on Šantićeva. 332/ She stated that she was treated very well there. 333/

164. A woman stated that she was taken to a tobacco warehouse in Čapljina, where she was raped daily, forced to walk nude, and presented as a "Četnik whore". 334/ Two reports alleged generally that particular sites in Mostar served as "bordellos". 335/ One of these sites was reportedly the Bristol Hotel. 336/ An identified girl 337/ stated that she was held in a big room with about 30 captured men and two other Serbian girls. She said that she was raped once by a neighbour and that the other two girls were raped many times. 338/

165. Finally, three reports describe the rape and sexual assault of Serbian women by the HOS. 339/ One of these reports stated that a camp was closed by the HVO because of the atrocities occurring there. 340/

(a) Victim information

166. In custodial settings, Serbian women were identified as the primary victims. While later, when fighting between Muslims and Croats intensified, the majority of reported rapes were non-custodial and the victims and alleged perpetrators were Bosnian Muslim and Bosnian Croats. Many victims were identified by name.

(b) Alleged perpetrator information

167. Seven alleged perpetrators were named in the reports. Among them were the two former Dretelj camp commanders. The following is a list of the

military affiliations of the alleged perpetrators as identified by some victims:

Bosnian Croat HOS forces;
HVO forces;
"Ustaši";
Croatian/Muslim coalition forces;
Bosnian Muslim forces; and
Paraga's Black Shirts.

36. Nevesinje 341/

168. This county is in the central south part of BiH, between Mostar and Gacko. According to the 1991 census, the county had a population of 14,421, 74.5 per cent of which were Serb, 23 per cent of which were Croat, and 2.3 per cent of which were "others". This section contains one report from the government of Croatia alleging the existence of a site in this region where women are kept and used for the sexual gratification of men. 342/

37. Orašje 343/

169. This county is in the north-east quarter of BiH, bordered on the north by Croatia and on the east by Serbia. This county had a population of 28,201 before the war, according to the 1991 census. Croats made up 75.3 per cent, 15 per cent were Serbs, 6.7 per cent were Muslims, and 3 per cent were "others". This section contains four reports of sexual assault, all of which allegedly occurred in custodial settings. The first report states that a woman was taken to a prison camp from 29 April to 7 October 1992. There, she was raped repeatedly by Muslim militiamen until her release. She went to the Hospital in Novi Sad, Serbia, where she was treated and given an abortion. She disappeared from the hospital. 344/

170. The next report concerns a Bosnian Croat woman who was kept in a house in Obudovac, a village in the county. She was kept at the house from the end of October to the first week in January of 1993. Every day, usually at dusk, she was raped by about six Serbian or Montenegrin men. There were other women at the house, both Muslim and Croatian. The men stated that it was their goal to impregnate the women. The witness missed her first and second menstrual periods at the house. 345/ Another report may concern the same woman. It describes a woman who was kidnapped at the end of October and released on 9 January 1993. She was raped every day, and realized she was pregnant on 17 November 1992. 346/

171. A final report involves male victims. A Bosnian Serb male prisoner was detained in Orašje prison. There he was subjected to daily beatings and torture. One guard cut off his genitals and he died in Bijeljina hospital. 347/

38. Prijedor 348/

172. Prijedor straddles a corridor connecting the Serbs' two-thirds share of Bosnia with their one-third share of Croatia. Muslims were the majority with 44 per cent of the population, while Serbs accounted for 42 per cent of Prijedor's prewar population of 112,000. In this county, 5.7 per cent described themselves as "Yugoslavs", 5.6 per cent were Croats, and 2.2 per cent were described only as "other". After Bosnia's Muslims and Croats voted unanimously to secede from Yugoslavia in March, Karadžić announced that the

Serbs would form their own, ethnically pure state. On 30 April, Prijedor's Serbs arrested top Muslim officials, and appointed Serbs in their places. Soon after, the new officials fired all of the Muslim employees.

173. Nine days after this coup, Prijedor's officials demanded that the Muslims sign loyalty oaths to the Bosnian Serb state or be considered terrorists. On 14 May, Serbs raised roadblocks around Kozarac and cut telephone service to the town. On 24 May, Serbian tanks, mortars and artillery barraged the village. This siege lasted for three days, and survivors calculate that 2,000 villagers were killed. When the town fell, Serbs reportedly gave the people 10 minutes to reach the town's soccer stadium. Some were reportedly immediately executed. At the stadium, men and women were separated and taken to separate camps. Allegedly, rich Muslims were a particular target, along with political leaders and police officers. 349/

174. This section of the study contains 178 reports of sexual assault. Ninety four of these reports are in the form of testimony, while 84 are second-hand reports. The alleged perpetrators are described primarily as Serbian. Some are described generally as Četniks, and some as Serbs from Serbia or Croatia. In some cases, the military unit of the alleged perpetrators is identified. Those units include the 6th Krajina Brigade, Banja Luka Corps, the Suva Rebra (Dry ribs) from Radomirovci, and the "Red Serbs". The victims are described primarily as Bosnian Muslim, and several are identified as Bosnian Croat. Their ages fall between the ages of 7 and 40, with most falling below 30. The sources of the reports include the governments of BiH, Canada, Austria, France, Germany, Croatia, and the United States; non-governmental organizations, such as Helsinki Watch, the Society for Threatened Peoples, Trešnjevka and Riyasat; as well as other news sources such as Newsday and the New York Times.

175. The reports in this section allege that assaults occurred from September 1991 to early 1993. Most of them occurred in May through August of 1992. (However, many incidents do not specify a date.) In conjunction with the fighting in the county of Prijedor, in May and again in July 1992, many women were raped. Some were raped in their homes, some were raped publicly and many were killed. This section of the study contains 33 reports of this type of noncustodial rape. The following villages are sites where this type of rape occurred:

Biščani; 350/
Briševo; 351/
Čarakovo; 352/
Donja Ljubija; 353/
Hambarine; 354/
Hegeći; 355/
Kozarac; 356/
Kozaruša; 357/
Ljubija; 358/
Prijedor; 359/
Rakovčani; 360/
Rizvanovići; 361/
Suhi Brod; 362/ and
Trnopolje. 363/

176. Additionally, the reports in this section allege that Prijedor county was the site of many camps run by Serbs and housing mostly Bosnian Muslims, but also Bosnian Croats and other non-Serbs: Kozarac, Prijedor, Omarska, Trnopolje, Jajce, Keraterm, Ljubija, Ciglane, Mrakovica Mountain, and Teščić. Among these camps, Trnopolje and Jajce seem to have held primarily women,

while Keraterm held primarily men. At Prijedor and Omarska, women were reportedly only detained to work in the cafeteria. Most of the reports describe alleged rapes that occurred while the victims were interned in Trnopolje camp.

(a) Omarska Camp

177. Detainees at Omarska report that it held many prominent citizens of Prijedor County. Reports of the number of women held at the camp range from 13 364/ to 70. 365/ Both of these estimates were made by male ex-detainees. Because the women were housed separately from the men, the women's estimates may be more accurate. The numbers of women range from 3 366/ to 36. 367/ These women ranged in age from 14 368/ to "elderly". 369/ Male detainees describe the female detainees as girls, many as young as 16. 370/ However, women held at the camp describe most as professional women, which implies that they were older. 371/

178. One woman describes how she was raped, by a member of the Territorial Defence Forces, four nights in a row. 372/ The fifth day, the witness reported that an identified camp commander asked her if she had been abused or raped. She reported that she had not because she feared retaliation and believed the commander knew of the assault since he had invited her assailant to the camp. 373/ Other witnesses also reported that this commander asked if they had been sexually abused. The witnesses stated they were beaten if they reported any assaults. 374/ Another witness stated that this commander was one of the men who raped her. 375/ Some ex-detainees state that women were raped one per night on an apparent schedule, 376/ while others report that rape occurred often or nightly. 377/ Many other witnesses at Omarska describe the rape of women there, corroborating these statements.

179. Male prisoners were forced to rape women and each other according to other reports. 378/ Additionally, several prisoners were castrated. In one incident, two men were reportedly forced to castrate four men with their bare hands. 379/ In another incident, one man was forced to bite off the testicles of four men, reportedly after performing oral sex. 380/ A named guard forced the man to castrate the other four. 381/ In another incident, one man's testicles were tied with a wire. The other end of the wire was tied to his motorcycle. A guard drove the motorcycle off, castrating him. 382/ Prisoners were also reportedly castrated by guards. 383/

(b) Trnopolje Camp

180. There are 70 reports in this section describing rape and sexual assault at Trnopolje Camp in Prijedor. The population of the camp was between 3,000 384/ and 9,000. 385/ Croats, Muslims, and other non-Serbs were detained there. Consistently, the reports state that drunk soldiers entered the camp nightly and selected women at random. These women were taken out and raped at a nearby theatre and in nearby houses. Some returned, but many did not. 386/ Those who did not, may be buried near the lake on the south side of town. Prisoners state they were forced by guards to bury those killed. Men were also sexually abused. They were forced to rape female internees, and some were reportedly castrated. 387/

181. One report states that girls and women were raped only once at Trnopolje camp. 388/ That report states that drunk "Četniks" burst into a hall, holding women and children. Some guards tried to protect the younger girls, wresting them from the arms of the "Četniks" and saying the girls were theirs.

The girls who returned stated that they had been raped. The commander apologized for the actions of the "Četniks", and posted an armed guard around the women for a few days. He stated that he personally guaranteed their safety.

182. This is the sole account, of 70, that states rape occurred only one night. Based on the overwhelming number of allegations, it is much more likely that sweeps of the hall occurred more than once.

(c) Keraterm Camp

183. Keraterm camp was part of a ceramics factory in Prijedor and housed only men. Male ex-detainees report that men were sexually abused. They were reportedly forced to perform sexual acts on each other and on guards. 389/ Two sources state that two brothers were forced to perform sexual acts on each other. 390/ A man was also forced to sit on a one liter Coca-Cola bottle, forcing it into his anus. He bled severely. 391/

184. Though Keraterm housed only men, women were reportedly raped there. One Bosnian Muslim woman reported that she was taken to Keraterm and raped by several men on 11 August 1992. 392/ Another woman was taken there with her. They were transported to Omarska. Another witness stated that in mid-July, 12 to 15 Muslim women were brought in, raped, and then transferred to Omarska. 393/

(d) Kozarac

185. There was reportedly a camp in Kozarac, where Bosnian Muslim women were raped. This may be the same as Trnopolje, but there is not enough information to make a judgement. At the camp, ex-detainees state that women as young as age 13 were raped nightly. 394/

(e) Jajce

186. Jajce was apparently a camp for mostly women. Reportedly, it had a population of up to 500. The report from this camp alleges that girls as young as seven or eight were raped, and that the reporter was raped by several men, one after the other. The men, allegedly wore masks and forced the women to say, "I am a Serb, I am not a Muslim". Many women and girls reportedly died after being raped. 395/

(f) Other locations

187. Ljubija was reportedly a site where girls and women were kept in houses for the sexual entertainment of soldiers and other men. 396/ Additionally, women were raped in Hambarine, at "Četnik" headquarters. 397/ The women's group Trešnjevka alleges that there is a camp in Duboki Potok, on Mrakovica Mountain. 398/ There is also reportedly a camp where women are raped in Teščić. 399/ Another camp was called Ciglane, which, according to one witness, had a population of 1,000. The witness asserted that women were raped at the camp and children were thrown into ovens. 400/ Finally, several witnesses stated that there were abuses in camps in Prijedor, but they did not name the camps. These allegations mirror those at other camps where women were held. 401/

(g) Victim information

188. Victims were generally described as Bosnian Muslim and Bosnian Croat.

(h) Alleged perpetrator information

189. The perpetrators were usually described as Serbs or "Četniks", many with no further information. At all of the camps, camp guards reportedly participated in sexual abuse of detainees. The camp commander at Omarska and the camp commander at Keraterm both allegedly raped women. Some victims knew their attackers, but many did not. Members of the following military or paramilitary formations were identified as committing rape:

White Eagles;
Četniks;
Serbs from Vukovar;
Suva Rebra;
"Red Serbs";
Sixth Krajina Brigade of the Banja Luka Corps; and
Guards.

39. Rogatica 402/

190. According to the 1991 Yugoslav census, Rogatica had a population of almost 22,000 before the conflict: 60 per cent were Bosnian Muslim and 40 per cent Bosnian Serb. Presently, very few Bosnian Muslims remain. 403/

191. The fighting in Rogatica apparently began on 22 May 1992, 404/ and lasted for about two months. 405/ From that point on, Muslim citizens were not permitted to leave the city. 406/ The information suggests that the alleged perpetrators were primarily Serbian, and the victims were primarily Muslim.

192. Most of the reports in this section were obtained from the BiH State Commission on War Crimes. There are 31 reported incidents of alleged rape; of those, 11 are in the form of direct testimony from the alleged victims. 407/ Several reports identify a detention centre at a high school, generally, or more specifically, at the high school "Veljko Vlahović". 408/ Other reports discuss a detention centre that bears similarity to Veljko Vlahović, sufficient to assume that the high school was, in fact, the main detention centre for women and girls in Rogatica. 409/ Nearly all the reports allege that rape occurred while the women were detained. 410/ There was also a detention centre in the area for men, called "Sladara". 411/

193. Up to three hundred women and children were detained at the high school centre from late May or early June until early August. The conditions at the centre were described as "terrible". 412/ One report suggests that 21 people were detained in a classroom and were given food only after the fourth day of captivity. 413/ Another suggests that only about 6 per cent of the estimated 300 detainees were permitted to return to their homes for food and clothing, and then only in groups of two. 414/

194. Following the attack on 22 May 1992, the area was again attacked on 25 May and the residents were asked to voluntarily report to the high school centre or the city stadium. 415/ According to reports, there was no physical maltreatment at the centre until troops under the command of "Arkan" arrived in late June. 416/ Most of the reports of sexual assault refer

to periods in July and August. 417/

195. The reported methods of victim selection are consistent with reports in other sections. Women were kept in classrooms, and men allegedly came in at night, looking for young women to take with them. 418/ Reports further allege that on some occasions the men called for women by name; 419/ if they failed to answer when called, the lives of all other detainees were threatened. 420/ On other occasions, the perpetrators simply walked through and, using flashlights, chose women. 421/ The women were reportedly taken to separate classrooms, buildings, or apartments and assaulted. 422/ This scenario apparently occurred every night. 423/ Reports suggest that all younger women in the camp were raped repeatedly 424/and targeted for assault. 425/

196. The techniques of mistreatment were various. Women were often interrogated, beaten, kicked, stabbed, insulted, and threatened in conjunction with the sexual assault. 426/ In some cases, women alleged being forced to ingest quantities of alcohol, 427/ to sit on anti-tank mines, to jump from windows and balconies and forced to attempt suicide. 428/ Soldiers allegedly threatened to harm or kill their children if the women did not supply requested information. 429/ Reports alleged multiple perpetrators involved in incidents of rape; one victim reported being raped 12 times in five nights. 430/ Moreover, many women were pressured to denounce their religion, convert to Serbian Orthodox Christianity, and change their names. They were reportedly told that their lives would be spared if they complied. 431/

197. Many reports identify the same perpetrators. These alleged perpetrators are believed to be part of a paramilitary troop known as "Arkan's" soldiers. 432/ Nearly all the reports allege that the perpetrators were Serbian and also identify them by name. The alleged victims identified in the reports are nearly all Muslim.

(a) Victim information

198. All the victims were described as Bosnian Muslims.

(b) Alleged perpetrator information

199. Some 30 individuals were identified in the reports as alleged perpetrators. One among them was named in three separate reports.

40. Sanski Most 433/

200. This county is in the north-western quarter of BiH, south-west of Prijedor. According to the 1991 census, the county had a prewar population of 60,119. Muslims had a small majority at 47 per cent, while Serbs were second with 42.2 per cent. Croats were 7.1 per cent of the population and 3.7 per cent were "others". This section of the study contains two reports from the French government 434/ and Trešnjevka 435/ generally alleging the existence of a camp in Kamengrad, Sanski Most. Women are reportedly sexually assaulted at this camp.

41. Sarajevo and vicinity 436/

201. Sarajevo is located in the south-eastern quarter of BiH. The Sarajevo region includes: Centar, Hadžići, Ilidža, Ilijaš, Novi grad, Novo, Pale, Stari grad, Trnovo, and Vogošča. According to the 1991 census, the population of Sarajevo was 415,631. Prior to the conflict, 49 per cent were Bosnian Muslim, 29 per cent were Bosnian Serb, and 7 per cent were Bosnian Croat.

202. This section contains 146 specific incidents of rape in which the victims and many perpetrators were named; another 400 or so in which specific numbers of victims were referenced, but little else is revealed about their individual identities; and finally, 34 reports which refer to groups of children or women, generally, who were subjected to rape. The sources of the reports include the governments of BiH, Yugoslavia, the United States and Canada, non-governmental organizations, such as Helsinki Watch, and various news services. The victims and perpetrators reportedly come from all sides in the conflict.

203. On 5 April 1992, Serbs positioned mortars, artillery and snipers in the hills around Sarajevo and began laying siege to Bosnia's historic capital city. 437/ The residents were driven from their homes and forced to seek refuge in other villages, cities, or countries. For those unable or unwilling to flee, enemy controlled detention facilities became their fate. Both the establishment of these facilities and the commencement of the incidents of rape, coincide with the beginning of the siege. 438/ Rather than safe havens, these facilities have become known as centres for continued aggression. Just over 70 per cent of the reports indicate that rape incidents occurred in custodial settings.

204. The cities and suburbs surrounding Sarajevo appear to be the site of over 34 facilities, including schools, cafes, and private homes, where women and girls were allegedly detained for the purpose of rape. Reportedly, the conditions at almost all detention facilities were uniformly unbearable. 439/ A former detainee at one facility stated that he and others were locked in a cellar, which he believed to be located beneath the Dobrinja Dental Care Centre, previously belonging to a shop that sold spare car parts. 440/ Their Muslim captors kept the instruments of torture on a table in the cellar, which consisted of several metal bars, a hammer, a sledge-hammer, a police baton and a car-axle. 441/ Another report examines the conditions at the "Viktor Bubanj" barracks where a dozen Serbian soldiers were held in a cell that can properly accommodate three persons at most. 442/ In a correlating report, some 40 Muslim women were housed in a hotel in Vogošča. 443/ All the women were forced to sleep together in one room in the hotel. 444/

205. Evidence suggests that participants from each side in the conflict are responsible for the creation of such formidable conditions. Bosnian Muslim forces appear to have detained Bosnian Serb women 445/ in several facilities. One such facility was the former "Viktor Bubanj" Yugoslav Army barracks 446/, which had separate rooms for oral and vaginal sex. Another facility was called the "Zagreb Hotel". 447/ A third facility was the Zetra Sports centre, where both men and women were sexually abused. 448/ Bosnian Serb and Bosnian Croat victims were also housed in a police school in Vrace, where they were reportedly raped. 449/

206. Serb forces appear to have detained women--mostly Bosnian Muslim women--in various facilities for the purpose of rape. In the Sarajevo housing estates, Vrača, Aerodrom, and Grbavica, a large number of Muslim women have been confined and raped. 450/ Also in the Hadžići Sports Centre, Muslim victims were subjected to beatings and forced sexual acts. 451/ Several

reports and testimonies refer to the rape and sexual abuse of quite a few Muslim women at a Serbian controlled facility, known as Sonja's Kon-Tiki in Vogošča. 452/

207. The reports also contain allegations of rapes committed outside of these special detention facilities, such as in victims' homes. Two members of Juka's Army are reported to have raped a Serbian woman in her apartment. 453/ A 60 year-old Muslim woman, whose house was burglarized by Četniks 62 times, was also then raped in her home by Četniks. 454/ Another elderly woman, who was 80 years old, was also reportedly robbed and raped in her home. 455/

208. Rape was widespread and began early in the siege. The first accounts of rape were recorded as coming out of Novo Sarajevo, Grbavica, Vraca, and Lukavica. 456/ In Grbavica, an eyewitness reported that several Četniks participated in the raping of an eight year-old girl in his neighbourhood. 457/ Another report from Grbavica referred to a named Serbian perpetrator who, in separate incidents, raped two Muslim women in front of their handicapped husbands. 458/ In yet another report, a 15 year-old Bosnian rape victim recalled how she and 20 other girls were housed by Serbs in a small room and raped until they were impregnated. 459/

209. In Ilijaš, Serbian forces were said to have detained women and girls following the mass exodus of Muslims and Croatians. The detainees were reportedly housed at the Oseren Hotel for use as prostitutes. 460/

210. In Vogošča, one eyewitness reported the rape of several 13 year-old non-Serbians. 461/ Another report states that five Serbs physically restrained a father, while a sixth raped his youngest daughter before him. The young girl did not survive the episode. 462/ Also in Vogošča, a minor Muslim girl said that Serbian girls who were her schoolmates broke into Muslim houses and, armed with knives, forced little Muslim girls and women to go with them to Serb positions in Žuč where they were raped. 463/ The same report states that Serbian homes were transformed into torture chambers for Muslim women. 464/

211. Vogošča is also the home to one of the region's most notorious "Rape/Death camps": Sonja's Kon Tiki Restaurant. It was reportedly a brothel with an attached concentration camp. The named Serbian camp commander, claimed that the brothel was filled with local women of low moral character whom he had invited, 465/ but reports suggest that many women were abducted and taken to Sonja's for use by Serbian troops. 466/ Several male prisoners reported being subjected to public sexual humiliation and forced to strip naked and commit sexual acts on each other. 467/ It was also here that two children, 7 and 13 years old, were allegedly raped in front of their parents by 20 Serbian perpetrators. According to reports, neither girl survived. 468/

212. In the city of Sarajevo, reports evidence the continued aggression between Muslims and Serbs. Among the 42 reports from Sarajevo, 26 identified Serbian victims of rape, 12 identified Muslim victims, and only one report identified Croatian rape victims. Rapes were reported in several areas including Ahatovići, 469/ Žuč, 470/ Vraca, 471/ Vrace, 472/ Dobrinja, 473/ Ciglane, 474/ Hadžići 475/ and Pale. 476/ Victims of war were detained in camps and brothels set up in areas such as the central prison, 477/ the Viktor Bubanj camp, 478/ Hotel Zagreb 479/ Hotel Europa, 480/ Bjelaven dormitory, 481/ Borsalino Cafe, 482/ Dobrinja jail, 483/ Hadžići sports centre, 484/ Civil Engineering school, 485/ Primary School, 486/ University of Zagreb, 487/ Zetra Sports

Centre, 488/ as well as in several Serbian-run housing estates, 489/ camps 490/ and brothels in Ciglane, 491/ and Pale 492/.

213. In Hadžići, reports suggest that a camp was set up by Serbians at the Hadzici sports centre, which housed approximately 220 Muslim men. The report alleges that the detainees were subjected to forced sexual acts. 493/ Reports also suggest the existence of a brothel in Hadžići 494/ containing Serbian women. 495/

214. In Ciglane Camp, Bosnian Muslims and Bosnian Croats allegedly took Serbian detainees to a brothel. 496/ Reportedly, the detainees were abducted and taken to the site in the camp and then raped repeatedly and regularly. 497/ Victims were sometimes blindfolded before being taken to the locations where they were raped. 498/ The reports also suggest that the predominant reason for the rapes was to impregnate the victims. Two reports quote Bosnian Muslim and Bosnian Croat perpetrators as saying "We are making Serb bastards!" One report quotes a perpetrator as saying "tomorrow night you will be raped by men and you will bear a Muslim". 499/ Another reason for the rapes appears to be revenge: one report quoted a Muslim rapist as saying that Serbs were doing the same to his Muslim sisters. 500/

215. Borislav Herak, a convicted Serbian war criminal, stated that his commanding officers encouraged him and others to rape their captives as a means of raising their morale. 501/ During his military trial, he testified that an identified Commander gave him the keys to the school in the village of Gornja Bioča and ordered him to go there and rape the women. 502/ On some occasions he returned the victims after raping them, but, on other occasions, he simply killed them. He stated that the Commander of the detention facility in Vogošća, whom he identified, recommended that he do whatever he liked with the victims, but just "don't bring them back". 503/ Excerpts from his trial suggest that on one occasion, he raped four women. 504/ In other testimony, while reportedly acting under the command of Branislav Vlaco, Herak confessed to raping and killing 12 Muslim women who were originally detained at Sonja's Kon Tiki. 505/ As a result of this trial, Herak was sentenced to death for raping 16 and killing 12 Muslim and Croatian women at Sonja's Kon Tiki. 506/

216. There have also been allegations of sexual and other misconduct against UN peacekeeping personnel. One report alleges a conspiratorial relationship between the "Četniks" and UNPROFOR. 507/ This report revealed that members of both groups drank together and often had orgies together. 508/ Furthermore, the report alleged that "Četniks" often used UNPROFOR vehicles for their own needs. 509/ Another report alleges that UN peacekeepers were regular visitors at the Serb-run brothel in Vogošća. 510/ The report accused some peacekeepers of taking sexual advantage of Muslim and Croatian women, who were forced into prostitution, and failing to investigate either the Serb brothel or the detention camp after being informed of their existence. 511/

217. Herak also testified that he saw UNPROFOR's Major General L. McKenzie in the company of four girls at the camp. He also accused other UN peace-keeping personnel of raping prisoners at the brothel. 512/ The local Bosnian Serb Commander added that UN personnel were actually frequent visitors, 513/ coming to the camp several times each week. 514/ Refugees and former camp detainees concurred, saying that on six or more occasions UN peacekeepers were seen in the camp. A dozen Muslim witnesses offered strong statements that UN peace-keeping personnel had participated in the sexual abuses suffered by the female detainees. Young Muslim and Croatian women were allegedly forced into UN armoured personnel carriers in the area of Sonja's. One victim stated that she had been raped at the brothel by a UN

officer. 515/ One news source reported that as many as 50 UN personnel from France, Canada, Ukraine, New Zealand, and an unnamed African country were involved in alleged sexual misconduct. 516/

42. Šekovići 517/

218. This county is located in the north-east quarter of BiH. Before the war, it had a population of 9,639, according to the 1991 census. Serbs were 94.3 per cent of the population and 5.7 per cent were Muslim. This section contains four second-hand reports of detention sites where Bosnian Muslim women are sexually abused by "Četniks". 518/ One report alleges that Bosnian Muslim women were sold into sexual slavery. 519/ These reports describe camps in Šekovići, but others, reported in another section, describe a "Camp Šekovići" in Tomislavgrad county on the western border of BiH. It is unclear whether all of these reports describe the same or different camps. The reports are not detailed enough to make any conclusion without further investigation.

219. The last report is the testimony of a witness of a rape in a prison in Šekovići. One night, a named perpetrator 520/ went to a prison in Šekovići and tried to beat up some of the prisoners. However, a police officer at the prison stopped him. Outraged, the perpetrator went door-to-door through the prison until he found a 27 year-old Bosnian Muslim woman. He forced her to take off her clothes, raped her, and beat her until she was covered in her own blood. The perpetrator then asked the other prisoners if they wanted a turn with the woman. 521/

43. Sokolac 522/

220. This county is in the eastern part of the centre of BiH, east of Sarajevo. The prewar population of the county was 14,833, according to the 1991 census. The majority of the population were Serbs at 68.6 per cent and 30.2 per cent were Muslim. This section contains one news report, giving details of a woman detained in a camp at a school in Parzevići, Sokolac, 523/ and testimony describing events which allegedly occurred at Slaviša Vajner Čiča School in Parzevići, Sokolac. 524/ These two reports probably identify the same location and the same witness.

221. The testimony alleges that Serbs from Serbia attacked the village of Parzevići in May and imprisoned 13 women in the school. 525/ Women and a six year old girl were reportedly raped and sexually assaulted there. The women ranged in age from 6 to 30, and all the remainder were age 18 or under. The witness states that she was raped every night and sometimes twice a night. She was raped by five to six men and was able to identify four of her attackers. Among them were several identified perpetrators including a former police official. The others were unidentifiable and came from Serbia and only their nicknames were known. The witness became pregnant and asked for an abortion. The Serbs refused, saying they intended to have Muslim women give birth to "Četniks". The women were all exchanged when the witness was in her seventh month of pregnancy. All but the six year old were pregnant. 526/

44. Srebrenica 527/

222. This county is located in the centre of the eastern border of BiH. It is bordered on three sides by Serbia. The population was 37,211 before the war, according to the 1991 census. Muslims comprised 74.8 per cent of the population and Serbs were 25.2 per cent. This section of the study contains

three reports of rape and sexual assault. On 17 May 1992, one witness reports that he witnessed the rape of a girl in a village in the region. The girl was killed. 528/ In June, according to an autopsy report, another woman was raped and then killed. 529/ A general report identified those killed and missing from the county. It states that most of the women on the list were raped. 530/

45. Tešanj 531/

223. This county is in the central part of northern BiH, just south of Doboj. It had a prewar population of 48,390, according to the 1991 census. Muslims were the majority at 72.7 per cent, 18.5 per cent were Croats, 6.4 per cent were Serbs, and 2.9 per cent were "others". There is only one report in this section of the study. Twenty-five women were kidnapped from Tešanj and taken to a nearby forest. For months, the women were raped, as many as 10 times a day. During the rapes, a Serbian guard told one woman, "Now you will have Serbian babies for the rest of your life". 532/

46. Teslić 533/

224. This county is located in the centre of the northern half of BiH. According to the 1991 census, it had a prewar population of 59,632. Serbs were 55.1 per cent of the population, Muslims were 21.5 per cent, Croats were 16 per cent, 5.7 per cent described themselves as "Yugoslavs", and 1.7 per cent were "others".

225. This section of the study contains nine reports. Eight reports describe rapes at a camp located near Teslić. Of this group of reports, five discuss a 17 year old Bosnian Muslim woman from Kaloševići. A sixth report also may refer to the same woman. It is impossible to tell from available information if the same woman was the reporter in all six documents. It is possible that there were six separate 17 year old women from Kaloševići at Teslić Camp.

226. According to these eight documents, in March 1992, Serbian forces captured Kaloševići, a town near Teslić. 534/ Prisoners from the town were taken to a camp in the forest, about five hours walk from Kaloševići 535/ or 20 kilometres outside Teslić. 536/ The camp was reportedly a complex of small cabins in the forest, run by Serbian and Bosnian Serbs. Some perpetrators are identified as members of the "White Eagles". 537/ The camp allegedly held from 100 538/ to 1,000 539/ women and children. Allegedly, 12 of these women were repeatedly raped. The perpetrators came to the camp, raped women, and then left. The women were raped in front of each other and were told that they would bear Serbian children and that the perpetrators were raping them for revenge. Reportedly, some women were also beaten, and others were maimed or killed. The reports also allege that the detainees were forced to cook for the visiting soldiers and to serve them while naked. One report states that the commander raped 10 year old girls "as a delicacy". 540/ The 12 women escaped with the assistance of one of their Serbian friends.

227. The last report describes the sexual abuse of men in a prison in Teslić and in a Serb-run camp. There, prisoners were forced to perform fellatio on one another at the prison, and some also were castrated in a Serb-run camp. 541/

47. Titov Drvar 542/

228. This county is located in the north-western quarter of BiH, bordered on the west by Croatia. According to the 1991 census, it had a prewar population of 17,209, 97.3 per cent of which was Serbian. The remaining 2.7 per cent were characterized only as "other". There is one general second-hand report in this section, which alleges that women were sexually abused in a camp in Prekale, Drvar. The perpetrators were described only as Serbian, while the victims were Muslim. 543/

48. Tomislavgrad 544/

229. This county is in central BiH, bordered on the west by Croatia. According to the 1991 census, its population before the war was 29,261. Croats comprised the majority at 86.6 per cent of the population, Muslims made up 10.8 per cent and 2.6 per cent were "others". Two reports allege the existence of "Šekovići Camp" in this county. This camp allegedly held Bosnian Muslim women for the purpose of rape. 545/ Reportedly, 300 Bosnian Muslim women were raped in this camp, 546/ and some victims were as young as seven. 547/ The last report states that a prison was set up in the village of Hascani, Tomislavgrad. There dozens of Serbian women and young girls were reportedly raped. 548/

49. Travnik 549/

230. This county is in the north-eastern quarter of BiH. According to the 1991 census, it had a population of 70,402 before the war. Muslims were the majority at 45.3 per cent, 36.9 per cent were Croat, 11 per cent were Serb, and 6.8 per cent were "others". This section contains eight reports and is the only section, besides Sarajevo, where all three ethnic groups were reportedly both victims and perpetrators of rape and sexual assault. One report states that a Bosnian Serb woman was raped and then killed by Muslim/Croatian forces in July 1992. 550/ In October, a convoy was detained at the top of Vlašić mountain and the riders forced to walk down the mountain into Travnik. Some riders were killed and women were raped. 551/ In April of 1993, Bosnian Croats allegedly gang-raped Bosnian Muslim women in a house-to-house sweep. 552/

231. The two remaining reports are undated. An official source reports only that numerous incidents of attacks on women and rapes in Mala Bukovica, Travnik, were reported. Two rape victims fled to Gračanica. 553/ The final report states that Bosnian Muslims raped Bosnian Serb girls and women and circumcised Bosnian Serb boys. 554/

50. Trebinje

232. This county is the southernmost county in BiH. Before the war, it had a population of 30,879, 69.3 per cent of which were Serb, 17.9 per cent of which were Muslim, 8.8 per cent of which were "others", and 4 per cent of which were Croat. 555/ Some Muslims claim that Serbian authorities in the county forced them into exile in January 1993. One woman stated that four military policemen came to her house one night at 2:00 a.m., broke down the door, and raped her. As they left, they warned her that if she did not leave, then 12 men would come the next time. 556/

233. The only other rape reported in this section occurred in July of 1993. Three men stole their way into the home of a Bosnian Muslim couple. They

forced the woman and her husband to undress in front of each other in the living room. They bound the woman's hands behind her and raped her with a wooden baton and a spoon. She was then thrown onto a bed and threatened with further rape. Instead, the men bound her legs, threw her into the bathtub, and one of the perpetrators walked across her chest. She sustained broken ribs, a damaged lung, and other internal injuries. She remained hospitalized until the end of August, when her family was evacuated from the county. 557/

51. Tuzla and Živinice Counties 558/

234. These counties are in the centre of the north-east quarter of BiH. According to the 1991 census, Tuzla had a population of 131,861. Muslims were the majority with 47.6 per cent of the population, "Yugoslavs" were 16.6 per cent, Croats were 15.6 per cent, Serbs were 15.5 per cent, and 4.7 per cent were "others". Živinice had a prewar population of 54,653, with 80.6 per cent Muslim, 7.3 per cent Croat, 7.4 per cent Serb, and 5.7 per cent "other". This section of the study contains reports of 14 incidents of rape and sexual assault in Tuzla and Živinice counties. Only one of these reports is testimony. The sources of the reports included the governments of Yugoslavia and France and non-governmental sources.

235. According to these reports, Tuzla appears to be the site of several facilities where women were apparently held for the purpose of rape between approximately June 559/ and November 1992. 560/ The alleged perpetrators are identified as members of Bosnian Muslim, 561/ Bosnian Croat, 562/ and Bosnian Serb forces. 563/ Most of the reports do not identify the ethnicity, nationality, or religion of the alleged perpetrators. None of the reports identifies perpetrators by name. The alleged victims were primarily Bosnian Serb women, 564/ though many of the reports do not provide the ethnic, national or religious background of the victims. A few of the victims are identified by initials, age or village and complete personal information is reportedly in the possession of organizations that provided the Commission with the reports. One report alleges the existence of a camp for Bosnian Muslim women.

236. The reports identify several locations where rape was allegedly committed by Bosnian Muslim and Bosnian Croat forces in Tuzla. One report cites a secondary school where about 100 Serbian women were reportedly held for the purposes of rape. 565/ Another report cites a house on the road towards Srebrenik (near Previla), where about 15 Serbian women were held. 566/

237. Four reports state that four different Serbian woman were held in one camp and raped up to five times a day for at least five months. Each woman was released in an advanced stage of pregnancy. Statements of the alleged captors and the pattern of release, indicate that women were uniformly not released until their pregnancy reached a certain stage. The reports do not provide detailed testimony from the victims, only a general description of how they were allegedly raped and the conditions in which they were held. 567/

238. Another report describes how unspecified perpetrators surrounded the village of Brezje, divided women and girls into groups, removed 36 youngsters, pillaged the village, and then transported the women to Tuzla. The reporter spent five months in a camp with 10 other women and was raped. (It is unclear if this camp is the same as any of the previously mentioned camps. Further investigation is necessary to clarify this.) She was, however, kept until her pregnancy was well-advanced. 568/

239. Another report cites a sports stadium at Živinice and former police offices in Tuzla as places where victims were held for rape. 569/ One report asserts that 200 girls, aged 15 and under, were held and raped in a camp in Lomnica. 570/ Another report states that there were rapes in Tuzla and Živinice without providing further detail as to whether they occurred in detention facilities. 571/ Finally, one report states that women were raped prior to a prisoner exchange, but does not allege the exact location of this event. 572/

240. The dates of the incidents were fairly evenly distributed from July through November. (However, several incidents did not specify a date and one allegedly occurred in "early 1992".) Most incidents involving detention facilities allegedly occurred in mid-1992 (i.e. June or July). Three reports specify that they occurred from mid-1992 to November 1992.

(a) Alleged perpetrator information

241. Croatian forces;
Muslim forces; and
Serbian forces.

No names or descriptive perpetrator information was provided.

52. Vareš

242. This county is located in the centre of BiH, just north-west of Sarajevo. Before the war, the county had a population of 22,114: 40.6 per cent were Croat, 30.4 per cent were Muslim, 16.4 per cent were Serb, and 12.6 per cent were "others". 573/ This section contains seven reports of sexual atrocities.

243. In October 1993, NORBAT reported that rapes took place in Vareš. 574/ No additional details were given in this report. In late October, the Muslim village of Stupni Do was attacked by the HVO. Two women who escaped stated that they had been raped in the attack. 575/ Other women in the village were reportedly raped and then killed. 576/ In November, Croatian soldiers raped a woman in her apartment in Vareš. 577/

53. Višegrad 578/

244. This county is in the south-eastern quarter of BiH, bordered on the east by Serbia. According to the 1991 Yugoslavian census, Višegrad had a population of almost 25,000 before the conflict--63 per cent Bosnian Muslim and 33 per cent Bosnian Serb.

245. This section contains 33 reports regarding allegations of rape in the Višegrad region. Several of the reports are general allegations of mass rape in the Višegrad area, while others are more detailed testimonies and first hand accounts. 579/ According to these reports, the Višegrad area was the site of at least four facilities, including the Hotel Vilina Vlas, where women were reportedly confined and subjected to regular and repeated rape.

246. The victims were primarily Bosnian Muslim women and teen-age girls. The alleged perpetrators were members of the Serbian forces. The purported incidents of rape began in the Spring of 1992 and continued through Autumn 1992. The reports do not indicate the duration of these rapes, however, two reports suggest that the area was "ethnically clean" by July 1992, 580/

and that no Bosnian Muslims lived in the town of Višegrad after that date. 581/

247. The Hotel Vilina Vlas was the subject of many reports. 582/ The Hotel is located in a forest, about seven kilometres outside Višegrad, and is known as a spa or mineral thermal cure resort. It was apparently the site of many rapes. 583/

248. One report estimates that 200 women, primarily Muslim, were detained at the hotel and sexually assaulted. 584/ It states that five victims committed suicide and many others were killed. 585/ One report claims that younger girls were taken to the hotel while older women were taken to other locations, such as occupied or abandoned houses, and raped. 586/ The number and consistency of the reports provides reasonable confirmation that a large number of rapes did in fact occur in this hotel. 587/

249. A particularly detailed testimony tells how an identified Serbian policeman from Belgrade and a man whose name appears often, 588/ visited the home of two teen-age Muslim girls and took them and another young woman to the Hotel Vilina Vlas. 589/ When they arrived, he instructed two other soldiers to interrogate two of the women and took one into a room with him. 590/ The reporter was later raped in that room, and she heard her sister and friend scream from other rooms. 591/ The reporter was taken home, but the sister and friend never returned. 592/ The girls' mother received no assistance from local authorities or police. This report also names several other girls kept at the camp and assaulted. 593/

250. Other sites of alleged sexual abuse included a large fire station, 594/ a home for retarded children at Višegrad, 595/ the Višegrad Hotel, 596/ Hotel Bikavac, 597/ and a camp set up in a building above a tunnel. 598/ One report states that mass rapes occurred in public places such as restaurants, squares, and sports halls throughout Višegrad. 599/ It also states that 300 women are registered as being victims of rape. 600/

251. Many rapes in the Višegrad area were allegedly perpetrated in an apparently systematic fashion. Reports state that victims were rounded up and transported to places like the Hotel Vilina Vlas and the Hotel Višegrad, apparently for the purpose of being detained and raped. 601/

(a) Victim information

252. The reported victims of sexual assault are identified primarily as Bosnian Muslim girls and women. No victims are reported to be Bosnian Serb or Bosnian Croat. Reports from Višegrad are somewhat unique in that the ages of the girls allegedly raped appear to be quite young. 602/ Many of the reports refer to them as "children" or "young girls". The largest number of reported victims are the approximately 200 women and girls allegedly raped at the Vilina Vlas. 603/

(b) Alleged perpetrator information 604/

253. General Forces Identified:

Serbian soldiers;
Serbian paramilitary, including the group Beli Orlovi ("White Eagles");

Četniks;
Arkan's soldiers; and
Šešelj's soldiers.

Four men were identified by name, another was identified by first name only, and three more were identified by nickname. Two of the named men were identified by more than one witness.

54. Vitez 605/

254. This county is located in the north-eastern part of the centre of BiH, north-east of Sarajevo. Before the war this county had a population of 27,728, according to the 1991 census. Croats were the majority at 45.7 per cent, 41.4 per cent were Muslim, 7.5 per cent were "others", and 5.4 per cent were Serbs. This section contains four second-hand reports of sexual atrocities. The alleged perpetrators are identified as Bosnian Croat or HVO forces. The reports indicate that the incidents occurred in conjunction with fighting between Bosnian Croat and Bosnian Muslim forces.

255. In April of 1992, Bosnian Croats and Bosnian Muslims attacked civilians of each other's ethnic group. Croatian soldiers raped women in a house-to-house sweep. 606/ On 16 April, Croatian soldiers committed at least one gang-rape. 607/ The final report alleges that 150 Bosnian Muslims were detained for 16 days at Braće Ribara school in Dubravica, where women were allegedly raped. The inmates were later freed through the intervention of the ICRC. 608/

55. Vlasenica 609/

256. This county is in the central eastern section of BiH. The population was 33,817 before the war, according to the 1991 census. Muslims were the majority with 55.3 per cent of the population, 42.5 per cent were Serb, and the remaining 2.2 per cent were "others". There was a camp in the area, called Sušica, which consisted of two warehouses and one small building surrounded by barbed wire. All the prisoners were kept together in one warehouse, measuring seven metres by 15 metres. At full capacity, it held an estimated 560 prisoners. 610/ The military commander was identified, 611/ and so was the administrative commander. 612/

257. On 26 June 1992, two Serbian brothers from Vlasenica took three women from the camp and raped them. The victims told the other prisoners what happened when they returned. 613/ Nikolić and Bašić were both responsible for allowing young women to be taken out of the camp and raped on other occasions. 614/ Bašić told young Serbs to choose the women to be raped. According to one source, raped women were usually killed, and in one evening three women were killed. 615/

56. Zenica 616/

258. This county is in the northern part of the centre of BiH. It had a prewar population of 145,577, according to the 1991 census. 55.2 per cent were Muslim, 15.6 per cent were Croat, 15.5 per cent were Serb, 10.8 per cent identified themselves as "Yugoslavs", and 2.9 per cent fell into the "other" category. This section of the study contains one general report stating that Bosnian Serb women were raped by Bosnian Muslim forces. 617/ The only other report in this section states that an older woman was raped in Zenica. 618/

57. Zvornik 619/

259. This county is located on the eastern border of BiH and Serbia. Before the war, there was a population of 81,111, according to the 1991 census. Muslims were the majority at 59.4 per cent of the population, Serbs comprised 38 per cent of the population, and the remaining 2.6 per cent were described as "other". There are 35 reports in this section of the study, 28 of which are reports and seven of which are recorded as some form of testimony. Most of the victims are described as Bosnian Muslim, and most of the perpetrators are described generally as Serbian.

260. In May of 1992, Serb forces attacked the area of Zvornik. In conjunction with the attack, women in the villages of Kostijarevo and Drinjača were allegedly raped after 25 to 35 men were killed in fighting. 620/ Another report states that a 12 year old girl was raped and strangled in Salihovići, Zvornik. 621/ In Kamenica, a "Četnik" raped and kidnapped a 16 year old girl. 622/ Another report, which may be describing the same incident, states that an identified Serb soldier kidnapped a 16 year-old girl, took her to Papraća, and kept her as his sexual slave. 623/

261. The majority of the reports allege that women were sexually assaulted in Liplje, a small village of about 500. In May 1992, nearly 400 residents were reportedly held in the home of a prominent Muslim by Serb forces. During their captivity, young women were allegedly repeatedly raped. 624/ Some girls were killed. The women described the men as dirty and on drugs. One man stated that he was raping girls "[b]ecause [they were] Muslims and there [were] too many of [them]". Another stated that they were planting "the seeds of Serbs in Bosnia". One young girl was raped by two "Četniks" in front of her father. 625/

262. Other reports alleged that a camp was set up in a school in Salihovići. That camp allegedly held 470 inmates. Reportedly, the youngest women were raped first, and then older women were raped. One report alleges that a girl was raped in front of her family. 626/

263. Reports also allege that Bosnian Muslim women from Brčko were held in a lumber factory in Caparde, Zvornik, and 40 were taken out and raped by Arkan's troops. The women stated that their captors indicated that they were forced to commit acts of rape. 627/

264. Several reports describe a camp in a shoe factory in Karakaj. There a female guard, a member of Arkan's troops, ordered men to have sexual intercourse with her. When they refused, she shot them. 628/ One report called the factory the "Glinica" factory, and stated that 48 girls and women were raped there. 629/

265. Another camp was at a theatre in Čelopek, where 163 men were housed. One day, three "Četniks" came to the camp. One called out the names of seven pairs of men. The men were mostly fathers and sons or close relatives. The guard forced seven of the men to kneel down and bite off the penises of the other seven. Three of the men died. 630/ The other prisoners were forced to watch. A week or 10 days later, another of the guards cut off a man's penis with a knife. 631/ According to another source, the guard made this man eat his severed penis. 632/ The same source reported that this guard beat a prisoner with a wooden stick and shoved the stick into the man's anus, causing the victim to bleed profusely. He stated that the guard, who was often drunk, forced prisoners to perform sex acts with each other. The prisoners were taken to Batković in late June and finally released in February 1993. 633/

266. According to one report, at camp Novi Izvor, just inside the Bosnian border, a guard raped a 17 year old female inmate in his room. 634/ There were also reported locations in Zvornik where women were forced to serve as sexual slaves. 635/ Finally, detainees were kept in a camp in an unidentified warehouse. 636/

B. Croatia 637/

1. Benkovac

267. Since the arrival of UNPROFOR in the municipality of Benkovac, 638/ 27 Croatians were killed. They were, on average, over 60 years old and some were reportedly raped. The municipal government alleged that these murders were part of a systematic plan to rid the area of Croats. 639/

2. Daruvar

268. In February of 1992, Croatian police or members of the National Guard reportedly raped, tortured, and killed members of a Serbian family. The commanding officer was allegedly involved. There were four people in the family, and their identities are on file with the government of Yugoslavia. 640/

3. Drniš

269. According to the ECMM, in late August 1991, an unidentified Serbian woman was allegedly raped by Croatian soldiers. They then killed her and dismembered her body. 641/ From September to November, residents of Drniš were reportedly imprisoned. While imprisoned, the prisoners were forced to perform oral sex on guards and each other. They were also forced to perform mutual masturbation. Young CNG soldiers were reportedly targeted for sexual abuse. 642/

4. Glina

270. In late March 1993, one witness reports that he heard barking dogs in the middle of the night. He tried to awaken his wife, but could not. He left the house, believing that she would be all right. He hid in the woods outside the house and heard gunfire in or near the house. He returned to find his wife dead, with extensive damage to her head and signs of what "seemed certain to be rape". 643/

5. Gospić

271. In a village in Gospić, on 14 November 1992, two masked and armed men broke into a house. They beat the male of the household and burglarized the residence. One of the men attempted to rape the woman of the house, but his companion stopped him. 644/

6. Grubišno Polje

272. A witness reported that in the fall of 1991, he saw "the legion, the infantry and the tanks" rape a girl in town and then kill her. 645/

7. Knin

273. In late October 1992, Croatian prisoners from Manjača camp in Banja Luka, BiH were taken to Knin for a prisoner exchange. There, the exchange fell through and the prisoners were taken to Knin prison for the night. Prison guards, unknown civilians, and guards from the camp reportedly forced the prisoners to lick the floor in the restroom, copulate in each other's mouths and sing Četnik songs. The prisoners were returned to Manjača the next day. 646/ In another report, a witness to the raping of a 70 year old woman and her 15 year old granddaughter said that they were beaten on the head by a Croatian soldier, knocked unconscious, and then raped. The Croatian was a neighbour of the victims. 647/

8. Nova Gradiška

274. In late 1991, a 57 year old woman was imprisoned in a village in this municipality. Guards raped the woman, forced other prisoners to rape her, conducted shock treatments on her legs, and killed her husband. 648/

9. Osijek

275. On 2 August 1991, members of the Croatian National Guard and members of the Croatian Police force reportedly raped and killed a number of unarmed civilians in a village. 649/ In November of the same year, Serb forces "cleansed" another village of non-Serbs. In the process, they raped girls and women. 650/

10. Sisak

276. A 50 year-old Serbian woman stated that while she was detained at Sisak Prison, cigarettes were extinguished on her breast. She also saw young Serbian girls, lined up for "bathing" by the "Ustaši" guards at the prison. 651/ Another report pertains to a 54 year old Croatian woman who was escorted by UNPROFOR to the Medical Centre in Pakrac for treatment for injuries resulting from a rape incident. She alleged that the perpetrators were three Serbian soldiers. 652/ In another account, a Croatian soldier who witnessed the occurrences at the concentration camp Brijest (which interned some 500 Serbian prisoners) stated that there were approximately 80 women in detention. According to the reporter, four women were subjected to rape on a daily basis. 653/

11. Slavonski Brod

277. Allegations that Bosnian women were taken to "bordellos" and camps in the Slavonski Brod region are discussed in the Bosanski Brod and Odžak counties section, in the part of this study on BiH. See that section for more details. There is only one allegation of women taken from Croatia to this area for sexual assault. In July of 1992, female Serb prisoners from Poljari and Rabići were reportedly taken to a site in Slavonski Brod, where women were made available for sexual entertainment. 654/

12. Slunj

278. According to the statement of a Croatian rape victim, following the "Četnik" occupation only 16 people remained in her village. On several

occasions thereafter, "Četniks" entered her home to interrogate her. In February of 1993, two men went to her house, where they beat and raped her. She tried to report the attack to the Serbian police, but was not allowed to speak to the higher ranking officers. She attempted to ask UNPROFOR for help, but they said they could not help her. In April, three men with Četnik marks on their caps knocked on her door. They threatened to harm her and tried to set her bed on fire, but the oldest of the three men stopped these attempts. The "most violent" of the three raped the witness. She again reported the rape to UNPROFOR and was evacuated in May. 655/ Another incident occurred in the village of Ličko Petrovo Selo, where a woman was tied to four stakes in the ground in a horizontal position. The witness stated that she was raped repeatedly by several Serbian soldiers who stated throughout the episode "that Yugoslavia was theirs . . . that they fought for it in World War II [and] that it'll be like this for everyone who doesn't listen". 656/

13. Split

279. Lora Camp, in Split county, was run by Croatians and housed Bosnian Serbs. There, men were forced to rape women and each other. 657/ Additionally, electrodes were attached to men's penises, 658/ and on one occasion, a camp guard put a thick rubber glove on his hand and rammed it into the anus of one of the prisoners. 659/

14. Titova Korenica

280. This section of the study contains two allegations of sexual assault. One report states that 24 Croatian soldiers were found and some of them had been castrated. 660/ The second report indicates that there was a detention facility in the county where a named person forced prisoners to sit on bottles, forcing them into their anuses. 661/

15. Vinkovci

281. There is only one report of a sexual atrocity in this county. In July of 1991, members of the CDU reportedly arrested a man, dragged him from his car, and castrated him. 662/

16. Vukovar

282. There are 20 reported cases of sexual atrocities in this section of the study. Seven of them concern a camp set up at Velepromet warehouse in the city of Vukovar in the last week of November 1991. 663/ The camp allegedly served as a major collection point for thousands of captured civilians for several days after the occupation of Vukovar. 664/ It was controlled by Serbians and "Četniks" and housed Croatian civilians. 665/ There, men were subject to genital beatings and castration. In one case, Serbian soldiers allegedly cut the testicles and penis off of a Croatian man. 666/ In another case, a victim reported that he was repeatedly beaten in the genital area at the warehouse and that a group of male prisoners, including himself, were lined up, their genitals were tied together with wire, and they were forced to walk around the room in which they were held. 667/ Another victim identified a man who tied the victim's testicles with a piece of wire and struck them with a blunt object. 668/

283. Women were also subject to sexual assault. Prisoners stated that they could hear the screams of women as they were raped. 669/ Another witness

states that an identified pregnant woman he knew and 15 other Croatian women were raped while at the camp. A Serbian woman who was married to a Croatian man was also raped. 670/ A final source states merely that the warehouse was a place of "brutal rape". 671/

284. Sexual assault was also committed outside of this camp. In late September 1991, a Captain raped two 14 year old girls in front of their grandmother and then killed all three. 672/ In October, young Croatian girls who served the Serbian volunteers were forced to have sexual intercourse. The men threatened to kill the girls' families if they refused. 673/ In the second week in November, a doctor witnessed a member of the ZNG rape a young girl at the ZNG headquarters. He had been called to examine a patient at the site. 674/ In that same month, an Albanian woman reported that she was repeatedly interrogated and raped for 12 hours by a group of Yugoslav People's Army soldiers. 675/ In another incident in December, an elderly woman was killed and her daughter raped by an identified man. 676/ According to another witness, an identified man repeatedly raped a Croatian woman, taking her in the evenings and returning her in the morning. 677/ In a separate report, a 50 year old Croatian woman was raped and forced to perform oral sex on seven members of the Serbian "White Eagles". 678/ In another case, a 54 year old Croatian woman alleged that she was raped and tortured by Serbian soldiers following the occupation and fall of Vukovar. 679/ A final report states that an unidentified Croatian male was found in a mass grave. He had been castrated. 680/ An additional source suggests that a member of a Serbian paramilitary group was accused by the Croatian government of killing 150 people and raping 30 women. The accused admitted to participating in gang raping activities. 681/

17. Zadar

285. In this county, three Croatian guardsmen allegedly raped a Serbian woman in front of her husband and cut off his ears. 682/

18. Zagreb

286. There was reportedly a camp in this county called Kerestinec, run by the Republic of Croatia, housing Serbian inmates. At the camp, there were reports of forced fellatio, rapes, and other sexual mistreatment. One of the reporters of the assaults suffered a miscarriage due to the treatment. 683/ In another report, the information alleges that Croatian President Franjo Tudjman is responsible for war crimes, including those committed by T. Merčep's men. Allegedly Merčep's men raped the mother and the daughter of a local family and then killed all the members of the family. 684/

19. UNPROFOR sectors and miscellaneous

287. One report, which identifies the village/location only as Sector south, reports that six uniformed men broke into the house of an identified Croatian woman and attempted to rape her in December of 1992. 685/ Two other reports detail the rape of two women at a camp Bučje. The first is an elderly Croatian woman whose victimization was memorialized on film. Her Serbian captors tortured her with electric shocks and gang-raped her. The second woman was similarly victimized but, in addition to filming the entire episode, the perpetrators beat her and forced a truncheon inside her. 686/

C. Serbia 687/

288. This study contains 19 reports that rape and sexual assault were committed in Serbia. Two reports allege that women, among a group of 812 Bosnian Muslim refugees from Gacko, were raped in a railway station in Kosovo Polje in July of 1992. 688/ At some kind of camp in Novi Sad, also in July of 1992, a victim reported that guards touched her all over and attempted to undress her. They asked for volunteers to rape her. When no one volunteered, she was left alone. However, the guards forced her to manually examine another woman to see if the other woman was a virgin. The two women were then forced to do "something", but the witness does not specify what. 689/

289. Four reports concern the sexual abuse of an identified woman, reportedly of subnormal intelligence, at Sremska Mitrovica prison. The woman was definitely held from December 1991 through February of 1993. 690/ Guards and regular criminals in the prison allegedly raped this woman. Additionally, other prisoners-of-war were reportedly forced to "exploit her sexually". 691/

290. The other reports allege that women were raped in Begejci Camp, Stajićevo Camp, Livade Camp, 692/ and another unidentified camp, all in the Vojvodina region. The reported events occurred in the fall and winter of 1991. One woman from the Vukovar area states that the population of the camp was about 2,000. She was forced to have oral, anal and vaginal sex, and cigarettes were extinguished on her body while she was imprisoned at the camp from 8 October 1991 to 10 December 1991. Her first night, she was raped by seven men. She and the other female prisoners were raped almost every night. 693/ A general report states that women were raped in the concentration camps of Begejci and Stajićevo during the autumn and winter of 1991. 694/ Another woman states that she and the other women of her group were taken to Stajićevo briefly and then on to Begejci. On the way, three JA soldiers forced the witness to kiss them and threatened to rape and kill her. 695/

291. Begejci camp reportedly held about 600 inmates. One Croatian woman, who was captured across the river from Vukovar, Croatia, while attempting to flee to Hungary, was taken to Begejci. According to her statement, she was taken to the camp in late October, where about 600 males and six females were imprisoned. She stated that she was forced to be a slave to 30 Serbian Reservists. The second week in November, 30 more women were brought in. The witness states that they were treated the same way. She was taken to the Military prison in Belgrade 14 November 1991. There, a Serbian reservist raped her in a bathroom. She was kept in solitary confinement, and the reservist raped her repeatedly during his work shift. She stated that he was often drunk and beat her if she did not please him. 696/

292. Another woman was taken to Begejci. She estimates the population at 500, with five women in the camp. She states that she was not beaten but was sexually maltreated by one reservist who did not permit other, threatening reservists to do the same. She was taken to VIZ army prison in Belgrade and questioned by a reservist. 697/ He took her to a bathroom, forced her to take off her clothes, and beat her. He sexually assaulted the witness, but, she states, he did not rape her. 698/ The last report concerning Begejci states only that a man and a woman were forced to engage in sexual relations there. 699/

293. One Croatian Muslim woman states that she was taken to a camp in Livade, near Zrenjanin, Serbia. There, she states she was raped by seven men, orally, anally, and vaginally. She and the Croatian women held there were reportedly

raped every night. The women ranged in age from 17 to 50 years old. On 12 December, she was taken to Šid. There, she states that the same things occurred, but she makes no statement or allegation of rape. 700/

294. At an unnamed Serb-run camp in Vojvodina, a woman reports that she was forced to keep a guard's penis erect in her mouth. She was forced to remain kneeling and if any semen spilled onto the ground, she was beaten. 701/ Another report states that there was a "bordello" for the army, where a kidnapped Bosnian Muslim 15 year old woman was forced to perform sexual services. 702/ According to the last source, non-Serbs were raped and harassed in Vojvodina as more Serb refugees came into the area. 703/

Notes

1/ These interviews reflect the best efforts of the Commission with the limited time and resources available. When the Commission's mandate ended, it was receiving an average of fifteen wintess calls per day. Because the mandate ended, these people were unable to give statements. Further, the field investigation itself is not complete. The Commission would have worked in Bosnia and Herzegovina and the Federal Republic of Yugoslavia had there been time and resources. Additionally, the investigation would have covered those countries with concentrations of refugees. In fact, the government of Turkey had invited the Commission to interview refugees there. There are about 18,000 refugees in Turkey. Thus, this report does not have the full picture and can not purport to describe the full extent of sexual violence in the former Yugoslavia. For more information on the Commission's field investigation, see Annex IX.A.

2/ The cases from Sweden and Austria were not entered into the database nor were they considered as part of the database study based on concerns for confidentiality.

3/ Investigations have been conducted by innumerable journalists, nongovernmental organizations such as Amnesty International, Equality Now, Helsinki Watch, the World Council of Churches, and intergovernmental organizations such as the European Community. Danish Mission, "Annex I: European Community Investigative Mission into the Treatment of Muslim Women in the Former Yugoslavia", Submission to the United Nations Security Council, U.N. Doc. S/25240 (3 February 1993). Within the United Nations a mission was carried out in January 1993 by medical experts working under the mandate of the Commission on Human Right's Special Rapporteur on the Human Rights situation in the former Yugoslavia. Tadeusz Mazowiecki, Special Rapporteur to the Commission on Human Rights, Report of the Team of Experts on Their Mission to Investigate Allegations of Rape in the Territory of the Former Yugoslavia U.N. Doc. E/CN.4/1993/50 (10 February 1993). See also Secretary General, Report on Rape and the Abuse of Women in the Territory of the Former Yugoslavia, U.N. Doc. E/CN.4/1994/5 (30 June 1993).

Several groups have also submitted recommendations for assisting the victims of rape and sexual assault and ensuring accountability for perpetrators. See e.g., "The Center for Reproductive Law and Policy", Meeting the Health Needs of Women Survivors of the Balkan Conflict (1993); "International Human Rights Law Group", No Justice, No Peace: Accountability for Rape and Gender-Based Violence in the Former Yugoslavia (June 1993).

4/ Examples of this type of allegation are, "20,000 women have been raped". These allegations are so general that they provide no useful information for analysis. This particular allegation comes from the European Community Delegation, headed by Dame Anne Warburton, and including Madame Simone Veil among others. This mission investigated only Muslim allegations of rape and sexual assault. The investigators spoke to few direct witnesses or victims, but concluded that the most reasoned estimate of the number of Bosnian Muslim victims of rape was 20,000. The investigators gave no reasons for their arrival at this figure and offered no evidence for its accuracy. Danish Mission, "Annex I: European Community Investigative Mission into the Treatment of Muslim Women in the Former Yugoslavia", Submission to the United Nations Security Council, U.N. Doc. S/25240 (3 February 1993).

Within the United Nations a mission was carried out in January 1993 by medical experts working under the mandate of the Commission on Human Right's

Notes (continued)

Special Rapporteur on the Human Rights situation in the former Yugoslavia. The team of experts discovered 119 documented cases of pregnancy resulting from rape. They stated that medical studies suggest that one in every 100 incidents of rape results in pregnancy. Thus, the 119 cases were likely to represent about 12,000 cases of rape. This number is not exact, however, given the number of victims who reported that they experienced multiple rapes, and was put forward only as a guide to the general scale of the problem. Tadeusz Mazowiecki, Special Rapporteur to the Commission on Human Rights, Report of the Team of Experts on Their Mission to Investigate Allegations of Rape in the Territory of the Former Yugoslavia U.N. Doc. E/CN.4/1993/50 (10 February 1993).

5/ Many victims are referred to using a code number created by the submitting source, initials, or a pseudonym.

6/ Some of these victims are referred to either by first name, description, or some other way such as, "there were six other women in the room".

7/ These reports identified generically that women were raped in a particular location. Though such allegations are very general, they provide enough information that they corroborate other accounts. Thus they were worthy of being included in the study.

8/ These reports referred to the class of perpetrators by military affiliation, ethnic affiliation, or as "they". Some of the reports did not mention the perpetrators at all but stated "x was raped" in a certain location on a certain date.

9/ Many fear that expatriate fighters, members of Special Forces and mercenaries may reach them in states where the victims have taken refuge. For a detailed discussion of military formations, see Annex III. For a detailed analysis of paramilitary formations, see Annex IIIA.

10/ Additionally, many women have received support from victim's organizations, women's organizations, and "Home Clubs". In fact, for really the first time, there is a sort of women's solidarity movement, worldwide, but especially in the former Yugoslavia and states housing refugees. This solidarity movement brings a great deal of support for victims of rape and sexual assault.

11/ Most rapes and sexual assault allegedly occurred in the Federal Republic of Yugoslavia (FRY) and Croatia in the later part of 1991. In BiH, most alleged rapes and sexual assaults occurred in the middle to late part of 1992.

12/ Though some level of custody of the victim is required to commit rape and sexual assault, the definition of custody used by the study was more technical. Much like the American definition of kidnapping, custody for the purposes of the study required some control over the victim for a period of time and to an extent greater than that involved in committing the offence. Therefore, a victim who was kidnapped, taken to a site, raped and sexually assaulted for a period of hours and then released or abandoned was not raped and sexually assaulted in a custodial setting. If the victim was taken from a detention center, or kept for a period of days or longer, the rape and sexual

Notes (continued)

assault would have occurred in a custodial setting.

13/ In the context of this conflict, the different ethnic groups have different religions, therefore ethnicity in this case has a religious component. Thus, the term "ethnic cleansing" means the attempt to remove an ethnic or religious group from a given area.

14/ There are alternative spellings for BiH. Submitting sources use both spellings, so, in citations, the country is spelled as the submitter spelled it. To avoid the inconsistency in the text, BiH is used.

15/ With this pattern there is evidence that the key motivation for the alleged perpetrators is access to the victims, rather than a direct order to commit the rapes and sexual assaults. That is not to say that the pattern is inconsistent with such an order, rather, the evidence suggests access was the key.

16/ There is little evidence that men were held for the purpose of sexual assault.

17/ These are often called "bordellos", and there is no evidence that men were held for the same purposes. These differ from the previous category because they seem to be organized for the purposes of supplying sexual gratification for men, rather than for the purpose of punishing the detainees.

18/ See generally, Yugoslav Mission, Memorandum on War Crimes and Crimes of Genocide Committed Against the Serbian People in the area of the Former Commune of Odžak by Ustashi-Fundamentalist Paramilitary Formations and Members of the National Guard of the Republic of Croatia, U.N. Docs. A/48/299, S/26261 (6 August 1993), IHRLI Doc. Nos. 36439-366

19/ See paragraphs 172-189 on Prijedor for more information. See also Annex V on the Prijedor area.

20/ See paragraphs 47-60 on Bosanski Brod and Odžak for more information.

21/ See paragraphs 128-129 on Goražde for more information.

22/ For a discussion of forced impregnation as a war crime separate from rape, see Anne Tierney Goldstein, The Center For Reproductive Law and Policy, Recognizing Forced Impregnation as a War Crime Under International Law (1993). These pregnancy-oriented components were not always present. Sometimes other factors that heightened the humiliation were present. An example of this is the camp at Veljko Vlahović in Rogatica, where girls were repeatedly raped and sexually assaulted in front of each other, forced to drink alcohol, sit on mines, jump out of windows, etc. See paragraphs 190-199 on Rogatica for more information.

23/ See paragraphs 90-100 on Doboj for more information.

24/ See paragraphs 144-147 on Konjic for more information.

25/ See paragraphs 155-167 on Mostar and Čapljina for more information.

Notes (continued)

26/ Civilians also frequented these sites and used and abused the women held there.

27/ These feelings were described by many of the victims whose accounts were included in this study.

28/ The next greatest percentage of alleged perpetrators is "unknown". See paragraph 3 for the ethnic breakdown of detention sites.

29/ Rape and sexual assault should be examined in the context of the practice of ethnic cleansing discussed in Annex IV and the practices in concentration camps discussed in Annexes V and VIII.

30/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 251 through 436.

31/ This background information is from Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II 49 (18 April 1993), IHRLI Doc. No. 9339.

32/ United States Mission, Second Submission to the United Nations Security Council U.N. Doc. S/24705 (22 October 1992), IHRLI Doc. No. 125; Amnesty International, Urgent Action, 2 March 1993, IHRLI Doc. Nos. 34999-35000; United Kingdom, Defence Debriefing Team, Summary of Atrocities Information, IHRLI Doc. No. 43314; Roy Gutman, "Atrocities Rage Anew in Bosnia," Newsday, 29 September 1993, at 6, 16, IHRLI Doc. No. 35961; Helsinki Watch, War Crimes in Bosnia-Herzegovina Volume II (18 April 1993), IHRLI Doc. No. 9471; The Riyasat, 28 September 1992, IHRLI Doc. No. 34882.

33/ United States Mission, Second Submission to the United Nations Security Council, U.N. Doc. S/24705 (22 October 1992), IHRLI Doc. Nos. 118, 35570, 125 (two reports); Amnesty International, Urgent Action, 2 March 1993, IHRLI Doc. Nos. 34999-35000; Roy Gutman, "Atrocities Rage Anew in Bosnia", Newsday, 29 September 1993, at 6, 16, IHRLI Doc. No. 35961.

34/ United States Mission, Second Submission to the United Nations Security Council, U.N. Doc. S/24705 (22 October 1993), IHRLI Doc. Nos. 118, 35570.

35/ Amnesty International, Urgent Action, 2 March 1993, IHRLI Doc. Nos. 34999-35000.

36/ Roy Gutman, "Atrocities Rage Anew in Bosnia," Newsday, 29 September 1993, at 6, 16, IHRLI Doc. No. 35961.

37/ Amnesty International, Urgent Action, 2 March 1993, IHRLI Doc. Nos. 34999-35000.

38/ Roy Gutman, "Atrocities Rage Anew in Bosnia", Newsday, 29 September 1993, at 6, 16, IHRLI Doc. No. 35961.

3[illegible]/ Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II 133 (18 April 1993), IHRLI Doc. No. 9423.

Notes (continued)

40/ Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II 181 (18 April 1993), IHRLI Doc. No. 9471.

41/ Croatian Mission, Submission to the United Nations, U.N. Doc. S/25082 (9 January 1993), IHRLI Doc. No. 4621.

42/ This report does not state that the women were interned at Manjača camp, however, it is another example of the forced movement of the population. The Rivasat, 28 September 1992, IHRLI Doc. No. 34882.

43/ United States Mission, Second Submission to the United Nations Security Council, U.N. Doc. S/24705 (22 October 1992), IHRLI Doc. No. 125.

44/ Id., IHRLI Doc. Nos. 118, 35570.

45/ United Kingdom, Defence Debriefing Team, Summary of Atrocities Information, IHRLI Doc. No. 43314 (stating that Muslim men were forced to rape females as young as 15 and in one case, a 14 year old boy was forced to rape a 60 year old woman); Populations at Risk (International Society for Human Rights, August 1992), IHRLI Doc. No. 9256 (stating that camp guards raped girls as young as 13).

46/ Trešnjevka, A List of Rape/Death Camps in Bosnia-Herzegovina (28 September 1992), IHRLI Doc. No. 6599.

47/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 437 through 461.

48/ BiH, Report of Crimes Committed Against Humanity and the International Law and of Concentration Camps Formed by the Aggressor on Bosnia and Herzegovina (August 1992); French Mission, Supplementary Report to Security Council, U.N. Doc. S/24768 (5 November 1992), IHRLI Doc. No. 1326-1335.

49/ BiH, Report of Crimes Committed Against Humanity and the International Law and of Concentration Camps Formed by the Aggressor on Bosnia and Herzegovina (August 1992), IHRLI Doc. No. 3318.

50/ Yugoslav Mission, "Brothels with Serb Women established by Muslim and Croatian Forces", Submission to the United Nations Secretary General, U.N. Doc., A/47/813, S/24991 (18 December 1992), IHRLI Doc. Nos. 3116-3117, 4800.

51/ Nikola Marinović, Stories from Hell (1993), IHRLI Doc. No. 21046.

52/ United Kingdom, Defence Debriefing Team, Summary of Atrocity Information, IHRLI Doc. No. 43297.

53/ United States State Department, Submission to the Commission of Experts, Cases 94-1 to 94-276, Case 94-160, IHRLI Doc. Nos. 56826-56829.

54/ ECMM, Report of Team B3 about Humanitarian and Military Situation in Bijeljina and Brčko (13 to 15 March 1993), IHRLI Doc. No. 19167.

Notes (continued)

55/ Amnesty International, Urgent Action, 11 February 1993, at 1, IHRLI Doc. No. 34997-34998.

56/ An official source, IHRLI Doc. No. 38307.

57/ ECMM, Report of Team B3 about Humanitarian and Military Situation in Bijeljina and Brčko (13 to 15 March 1993), IHRLI Doc. No. 19167.

58/ Trešnjevka, A List of Rape/Death Camps in Bosnia Herzegovina (28 September 1992), IHRLI Doc. No. 6599.

59/ Trešnjevka, A List of Rape/Death Camps in Bosnia-Hercegovina (28 September 1992), IHRLI Doc. No. 6599. The French government also gives Petkovici as the location of a detention center where it is believed that women are held and raped. French Mission, Supplementary Report to the United Nations Security Council, U.N. Doc. S/24768 (5 November 1992), IHRLI Doc. Nos. 1331-1332.

60/ United Kingdom, Defence Debriefing Team, Summary of Atrocities Information, IHRLI Doc. No. 43318.

61/ United States State Department, Submission to the Commission of Experts, Cases 94-1 to 94-276, Case 94-160, IHRLI Doc. Nos. 56826-56829.

62/ Amnesty International, Urgent Action, 11 February 1993, at 1, IHRLI Doc. Nos. 34997-34998.

63/ Letter from Sulejman Pilaković, Head of the Municipal Assembly of Bijeljina and Janja, Bosnia-Herzegovina to Boutros Boutros-Ghali, the Secretary General of the United Nations (7 February 1993), IHRLI Doc. Nos. 12683-12685.

64/ ECMM, Report of Team B3 about Humanitarian Aid and Military Situation in Bijeljina and Brčko (13 to 15 March 1993).

65/ United States State Department, Submission to the Commission of Experts, Cases 94-1 to 94-276, Case 94-160, IHRLI Doc. Nos. 56826-56829.

66/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 564 through 569.

67/ BiH, State Commission on War Crimes, Rape as a War Crime Against Civil Population, case 725/92 (29 December 1992), IHRLI Doc. No. 13130; BiH, State Commission for War Crimes, Statements Pertinent to the Events Taking Place in the Town of Bosanska Dubica, case 125/1992, IHRLI Doc. No. 34700.

68/ BiH, State Commission on War Crimes, Statements Pertinent to the Events Taking Place in the Town of Bosanska Dubica, case 125/1992, IHRLI Doc. No. 34700.

Notes (continued)

69/ French Mission, Supplementary Report to the United Nations Security Council, U.N. Doc. S/24768 (5 November 1992), IHRLI Doc. No. 1331-1332; Ethnic Cleansing, Genocide for Greater Serbia (Tilman Zulch ed., undated), IHRLI Doc. No. 14477.

70/ Ethnic Cleansing, Genocide for Greater Serbia (Tilman Zulch ed., undated), IHRLI Doc. No. 14477.

71/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 570 through 587.

72/ Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, Fifth Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia, U.N. Doc. E/CN.4/1994/47 (17 November 1993), IHRLI Doc. No. 52411; An official source, IHRLI Doc. Nos. 34329, 34334-34335.

73/ An official source, IHRLI Doc. Nos. 34334-34335.

74/ Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, Fifth Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia, U.N. Doc. E/CN.4/1994/47 (17 November 1993), IHRLI Doc. No. 52411; An official source, IHRLI Doc. Nos. 34329, 34334-34335.

75/ Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, Fifth Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia, U.N. Doc. E/CN.4/1994/47 (17 November 1993), IHRLI Doc. No. 52411; An official source, IHRLI Doc. Nos. 34329, 34334-34335.

76/ An official source, IHRLI Doc. Nos. 34334-34335.

77/ Tadeusz Mazowiecki, Fifth Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia, U.N. Doc. E/CN.4/1994/47 (17 November 1993), IHRLI Doc. No. 52404.

78/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 588 through 604.

79/ Trešnjevka, A List of Rape/Death Camps in Bosnia-Hercegovina (28 September 1992), IHRLI Doc. Nos. 6599-6600; BiH, State Commission for War Crimes, Report of Crimes Committed Against Humanity and the International Law and of Concentration Camps formed by the Aggressor in Bosnia and Herzegovina (August 1992), IHRLI Doc. No. 3318; French Mission, Supplementary Report to the United Nations Security Council, U.N. Doc. S/24768 (5 November 1992), IHRLI Doc. Nos. 1331-1332.

80/ BiH, State Commission for War Crimes, Report of Crimes Committed Against Humanity and the International Law and of Concentration Camps formed by the Aggressor in Bosnia and Herzegovina (August 1992), IHRLI Doc. No. 3318; BiH, State Commission for War Crimes, Rape as a War Crime Against Civil Population, case 861/92 (29 December 1992), IHRLI Doc. No. 13131.

Notes (continued)

81/ There were several camps located in these counties. For more information, see the report on Prison Camps, Annex VIII, paragraphs 605 through 628 and paragraphs 1478 through 1506.

82/ According to the 1991 census, population figures and ethnicity percentages prior to fighting were as follows: Bosanski Brod, 33,962 (41 per cent Croat, 33.8 per cent Serb, 12.2 per cent Muslim, 10.6 per cent Yugoslav, and 2.4 per cent other); Odžak, 30,651 (54.2 per cent Croat, 20.3 per cent Muslim, 19.8 per cent Serb, and 5.7 per cent other); Slavonski Brod, Croatia, 113,551 (85.2 per cent Croat, 6.5 per cent Serb, 2.9 per cent Yugoslav, and 5.4 per cent other).

83/ This background information is taken from a Yugoslav Government report prepared for the United Nations Commission on Human Rights. State Commission on War Crimes, Memorandum on the Crimes of Rape of Children, Girls, Women of Serbian Nationality in the Bosnia-Hercegovina Village of Novi Grad-Commune of Odžak, in Yugoslav Mission, "Crimes of Genocide", Submission to the United Nations Commission on Human Rights, U.N. Doc. E/CN.4.1993/86 (8 February 1993).

84/ One allegation describes incidents of rape and sexual assault in the county of Slavonski Brod, Croatia. In this instance, Serb and Muslim women were transported by Croatian soldiers to homes in Slavonski Brod for "use" by the Croatian Army. Yugoslav Mission, "Confession of [alleged perpetrator]", Submission to the United Nations Security Council in Compliance with Paragraph 5 of Resolution 771, (1992), U.N. Doc. A/47/813, S/24991 (18 December 1992), IHRLI Doc. Nos. 4783, 4784, 5522.

85/ Yugoslav Mission, "Confession of [alleged perpetrator]", Submission to the United Nations Security Council, U.N. Doc. A/47/813, S/24991 (18 December 1992), IHRLI Doc. Nos. 4783, 5522, 4784; Yugoslav Mission, "Report Submitted to the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992)", Submission to the United Nations Security Council, U.N. Doc. S/24779 (November 1992), IHRLI Doc. No. 1385.

86/ Yugoslav Mission, "Report Submitted to the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992)", Submission to the United Nations Security Council, U.N. Doc. S/24779 (November 1992), IHRLI Doc. No. 1385; Yugoslav Mission, "Memorandum on War Crimes and Crimes of Genocide Committed Against the Serbian People in the Area of the Former Commune of Odžak by Ustashi-Fundamentalist Paramilitary Formations and Members of the National Guard of the Republic of Croatia", Submission to the United Nations Security Council, U.N. Doc. A/48/299, S/26261 (6 August 1993), IHRLI Doc. Nos. 36628-36629.

87/ The report states that she was held from 6 October 1992 until 28 June 1993, when she was exchanged. Croatia, Division of Information, Ministry of Health, SIL-1092, IHRLI Doc. No. 36716.

88/ Yugoslav Mission, "Confession of [alleged perpetrator]", Submission to the United Nations Security Council, U.N. Doc. A/47/813, S/24991 (18 December 1992), IHRLI Doc. Nos. 4783, 4784, 5522.

89/ Yugoslav Mission, Submission to the United Nations Security Council, U.N. Doc. A/48/299 S/26261 (6 August 1993), IHRLI Doc. Nos. 36525, 36594.

Notes (continued)

90/ Id., IHRLI Doc. No. 36530.

91/ Id., IHRLI Doc. No. 36463.

92/ Yugoslav Mission, "Memorandum on War Crimes and Crimes of Genocide Committed Against the Serbian People in the Area of the Former Commune of Odžak by Ustashi-Fundamentalist Paramilitary Formations and Members of the National Guard of the Republic of Croatia", Submission to the United Nations Security Council, U.N. Doc. A/48/299, S/26261 (6 August 1993), IHRLI Doc. Nos. 36638-36639, 36628-36629, 35535, 36607-36608.

93/ Yugoslav Mission, Submission to the United Nations Security Council, U.N. Doc. A/48/299 S/26261 (6 August 1993), IHRLI Doc. Nos. 36534-36605; Yugoslav Mission, Submission to the United Nations Security Council, U.N. Doc. E/CN.4/1993/86 (29 January 1993), IHRLI Doc. No. 12614.

94/ Yugoslav Mission, "Memorandum on War Crimes and Crimes of Genocide Committed Against the Serbian People in the Area of the Former Commune of Odžak by Ustaši-Fundamentalist Paramilitary Formations and Members of the National Guard of the Republic of Croatia", Submission to the United Nations Security Council, U.N. Doc. A/48/299, S/26261 (6 August 1993), IHRLI Doc. Nos. 36637, 36611.

95/ Yugoslav Mission, "Memorandum on the Crimes of Rape of Children, Girls, and Women of Serbian Nationality in the Bosnian-Herzegovinan Village of Novi Grad--the Commune of Odžak", Submission to the United Nations Commission on Human Rights, U.N. Doc. E/CN. 4/1993/86 (29 January 1993), IHRLI Doc. No. 12616; Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9523-9525.

96/ IAGGFRY, Violations of the Human Rights of Women Including Violence Against them and Rape as a New Type of War Crime in Bosnia-Herzegovina and Croatia, IHRLI Doc. Nos. 21089-21120, 21099.

97/ Amnesty International, Bosnia-Herzegovina: Rape and Sexual Abuse by Armed Forces (1993), IHRLI Doc. No. 5521; Bosnia-Herzegovina: Gross Abuses of Basic Human Rights (October 1992), IHRLI Doc. Nos. 19913, 11932.

98/ Jon Dobinson, "Human Rights in the Former Yugoslav States", Report 3, August 1992, IHRLI Doc. No. 9260.

99/ Amnesty International, Bosnia-Hercegovina: Rape and Sexual Abuse by Armed Forces (January 1993), IHRLI Doc. No. 5519-5520; Amnesty International, Bosnia-Hercegovina: A Wound to the Soul (21 January 1993), IHRLI Doc. No. 5631.

100/ There were several camps located in this county. For more information see the report on Prison Camps, Annex VIII, paragraphs 659 through 693.

101/ Croatia, Division of Information, Ministry of Health, SIL-430, IHRLI Doc. No. 4621.

Notes (continued)

102/ Roy Gutman, "Personal Account of Terror", Newsday, 3 August 1992, at 4, 13, IHRLI Doc. Nos. 7533-7535.

103/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 694 through 710.

104/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-185, IHRLI Doc. Nos. 56908-56910.

105/ United Kingdom, Defence Debriefing Team, Summary of Atrocity Information, IHRLI Doc. No. 43268.

106/ An official source, IHRLI Doc. No. 49527.

107/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 711 through 865.

108/ United Kingdom, Defence Debriefing Team, Summary No. 17 of Atrocity Information, IHRLI Doc. No. 43254; An official source, IHRLI Doc. No. 34618; United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-223, IHRLI Doc. Nos. 57053-57058.

109/ United States Mission, Second Submission to the United Nations Security Council, U.N. Doc. S/24705 (22 October 1992), IHRLI Doc. No. 124; James Bone, "US Reveals Catalogue of Bosnia Atrocities", The Times (London), 23 October 1992, IHRLI Doc. No. 35570 (reporting contents of U.S. submission); United States Mission, Seventh Submission to the United Nations Security Council Pursuant to Paragraph 5 of Resolution 771 (1992), U.N. Doc. No. S/25586, IHRLI Doc. Nos. 11916-11917; United States Department of State, Report on the Serbian Takeover of Brčko, IHRLI Doc. Nos. 33761, 33760; BiH, Commission for the Protection of Human Freedoms and Rights, Aggression Against the Republic of Bosnia-Herzegovina Facts on the Effects (6 April 1993), IHRLI Doc. No. 26694.

110/ United States State Department, Report on the Serbian Takeover of Brčko 2-4, IHRLI Doc. Nos. 33775-33776.

111/ United States State Department, Report on the Serbian Takeover of Brčko, IHRLI Doc. Nos. 33775-33776; United States State Department, Report on the Forced Conscription of Two Bosnian Serb Men into the Serbian Territorial Military Police Reserve Forces 2-5, IHRLI Doc. Nos. 33779-33782.

112/ United States State Department, Report on the Serbian Takeover of Brčko, IHRLI Doc. Nos. 33775-33776.

113/ Id.

114/ Id.

Notes (continued)

115/ United States Mission, Seventh Submission to the United Nations Security Council Pursuant to Paragraph 5 of Resolution 771 (1992), U.N. Doc. S/25586, (12 April 1993) IHRLI Doc. Nos. 11931-11932.

116/ Id.

117/ A refugee reported that during his detention at Luka, he witnessed 20 soldiers rape a woman in the presence of her child and other camp inmates. United States Mission, Second Submission to the United Nations Security Council, Pursuant to Paragraph 5 of Resolution 771 (1992), U.N. Doc. S/24705 (22 October 1992), IHRLI Doc. No. 124; James Bone, "US Reveals Catalogue of Bosnia Atrocities", The Times (London), 23 October 1992, IHRLI Doc. No. 35570 (reporting on contents of US submission).

118/ United States Mission, Seventh Submission to the United Nations Security Council Pursuant to Paragraph 5 of Resolution 771 (1992), U.N. Doc. S/25586 (12 April 1993), IHRLI Doc. Nos. 11931-11932.

119/ Id.

120/ UNESCO, Situations of Human Rights in the Territory of the Former Yugoslavia, U.N. Doc. E/CN.4/1993/50, at 15 (10 February 1993), IHRLI Doc. No. 18764.

121/ Croatia, Report on War Crimes and Grave Breeches of Geneva Conventions Committed by BiH Army and Muslim Paramilitary Forces Against the Croatian Civilian Population in Central Bosnia and Northern Herzegovina (3 September 1993) IHRLI Doc. No. 36710; Dinah Pokempner, Helsinki Watch, Field Notes (October 1992), IHRLI Doc. Nos. 35328-35329, 36710-36712.

122/ United States State Department, Report on the Forced Conscription of Two Bosnian Serb Men into the Serbian Territorial Military Police Reserve Forces 2-5, IHRLI Doc. Nos. 33779-33782.

123/ The Riyasat, 28 September 1992, IHRLI Doc. Nos. 27501-27506; Trešnjevka, A List of Rape/Death Camps in Bosnia-Hercegovina (28 September 1992), IHRLI Doc. No. 6599; BiH, State Commission for War Crimes, Testimony of [witness], IHRLI Doc. No. 18241; BiH, State Commission for War Crimes, Bulletin No. 2--Facts on War Crimes (February 1993), IHRLI Doc. Nos. 13314-13316; Ethnic Cleansing, Genocide for Greater Serbia (Tilman Zulch ed., undated), IHRLI Doc. Nos. 14478-14479.

124/ French Mission, Supplementary Report to United Nations Security Council, U.N. Doc. S/24768 (5 November 1992), IHRLI Doc. Nos. 1331-1332.

125/ Roy Gutman, "Mass Rape," Newsday 23 August 1992, IHRLI Doc. Nos. 7539-7542; United States Mission, Second Submission to the United Nations Security Council, U.N.Doc. S/24705, IHRLI Doc. Nos. 77-79; Ethnic Cleansing, Genocide for Greater Serbia (Tilman Zulch ed., undated), IHRLI Doc. Nos. 14469-14471.

126/ See paragraphs 259-266 on Zvornik for a summary of this incident.

Notes (continued)

127/ BiH, State Commission for War Crimes, Testimony of [witness], IHRLI Doc. 6581-6583; BiH, Bulletin No. 2--Facts on War Crimes, IHRLI Doc. No. 13315 (reporting witness' testimony); Ethnic Cleansing, Genocide for Greater Serbia (Tilman Zulch ed., undated), IHRLI Doc. No. 14478-14479 (reporting witness' testimony).

128/ Trešnjevka, A List of Rape/Death Camps in Bosnia-Hercegovina (28 September 1992), IHRLI Doc. No. 6599.

129/ Id.

130/ Id.

131/ United States State Department, Report on the Serbian Takeover of Brčko 62, IHRLI Doc. No. 33760.

132/ At Interpler, the former textile company, over 2,000 people were detained, mostly women. Reportedly some 1,000 women were subjected to repeated gang rape by men described only as "Četniks". United States State Department, Report on the Serbian Takeover of Brčko 62, IHRLI Doc. No. 33760.

133/ Approximately 1,000 people were held at the Borovo Polje camp. Reports suggest that at one point some 150 girls, aged 12 and above, were raped by groups of thirty or more men at a time. United States State Department, Report on the Serbian Takeover of Brčko 63, IHRLI Doc. No. 33761.

134/ BiH, Commission for the Protection of Human Freedoms and Rights, Aggression Against the Republic of Bosnia-Herzegovina Facts on the Effects (6 April 1993), IHRLI Doc. Nos. 26696, 26694.

135/ The Riyasat, 28 September 1992, IHRLI Doc. Nos. 27501-27506; Letter from Rasheeda Behlim to Commission of Experts (2 April 1992), IHRLI Doc. Nos. 9753, 34881.

136/ An official source, IHRLI Doc. Nos. 34333, 34337.

137/ Id.

138/ Id.

139/ Id.

140/ Id.

141/ United States State Department, Report on the Serbian Takeover of Brčko, IHRLI Doc. Nos. 33775-33776; United States State Department, Report on the Forced Conscription of Two Bosnian Serb Men into the Serbian Territorial Military Police Reserve Forces, IHRLI Doc. Nos. 33779-33782; United States State Department, Report on the Serbian Takeover of Brčko, IHRLI Doc. No. 33771; United Kingdom, Defence Debriefing Team, Summary No. 17 of Atrocity Information, IHRLI Doc. No. 43254; United States State Department, Submission to the Commission of Experts, Cases 94-1 to 94-276, Case 94-223, IHRLI Doc. Nos. 57053-57058; United States Mission, Seventh Submission to the United Nations Security Council, U.N. Doc. S/25586, (12 April 1993), IHRLI Doc. Nos.

Notes (continued)

11931-11932; United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-295, IHRLI Doc. Nos. 62639-62641; United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-33, IHRLI Doc. Nos. 62717-62718.

142/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 866 through 877.

143/ "Lilies" are what people use to describe the fleurs-de-lis, which is the symbol of the government of BiH.

144/ Yugoslav Mission, "Deposition of [victim]", Submission to the United Nations Security Council, U.N. Doc. A/47/813, S/24991 (18 December 1992), IHRLI Doc. Nos. 5063-5064.

145/ Case file of Dr. Sanda Kašković, Clinic for Obstetrics and Gynecology in Belgrade, File # 17 887, IHRLI Doc. No. 5122.

146/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 878 through 896.

147/ Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, Fifth Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia, U.N. Doc. E/CN.4/1994/47 (17 November 1993), IHRLI Doc. No. 52404.

148/ Based on the population figures, this is probably referring only to Bosnian Croat civilians.

149/ UN Center for Human Rights, Report from Field Office of Zagreb, 4 October 1993, IHRLI Doc. No. 40231-40232.

150/ Id.

151/ Id.

152/ ECMM, Humanitarian Activity Report No. 33, August 15 - August 22, 1993, IHRLI Doc. No. 34574.

153/ An official source, IHRLI Doc. No. 55841.

154/ Nikola Marinović, Stories from Hell (1993), IHRLI Doc. No. 21044.

155/ Yugoslav Mission, Submission to the United Nations Security Council, U.N. Doc. A/47/813, S/24991 (18 December 1992), IHRLI Doc. No. 4800.

156/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 897 through 901.

Notes (continued)

157/ ECMM, Report on Inter-Ethnic Violence in Vitez, Busovaca, and Zenica April 1993, H/S 720, (15 May 1993), IHRLI Doc. Nos. 29094-29096.

158/ UN Center for Human Rights, Report from Field Office in Zagreb, 4 October 1993, IHRLI Doc. No. 40229.

159/ Nikola Marinović, Stories from Hell (1993), IHRLI Doc. No. 21048.

160/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 902 through 910.

161/ BiH, Ministry of Internal Affairs, case 1272/92, IHRLI Doc. No. 27759, 13131.

162/ BiH, State Commission for War Crimes, Rape as a War Crime Against Civil Population, Case 719/92 (29 December 1992), IHRLI Doc. No. 13127.

163/ Ethnic Cleansing, Genocide for Greater Serbia (Tilman Zulch ed., undated), IHRLI Doc. No. 14481.

164/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 975 through 1020.

165/ Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9507-9512; Jeri Laber, "Bosnia: Questions About Rape", The New York Review of Books, 25 March 1993, IHRLI Doc. No. 19913 (based on testimonies gathered by Helsinki Watch and the Women's Rights Project).

166/ George Rodrigue, "Politics of Rape", Dallas Morning News, 5 May 1993, at 1A.

167/ Slavenka Drakulić, "Rape After Rape After Rape", New York Times, 13 December 1992, § 4, at 17, IHRLI Doc. Nos. 35582-35583; United States Mission, Fifth Submission to the United Nations Security Council Pursuant to Paragraph 5, Resolution 771 (1992), U.N. Doc. S/25171 (18 January 1993), IHRLI Doc. No. 5849 (relying on the Drakulić article).

168/ United States Mission, Sixth Submission of Information to the United Nations Security Council in Accordance with Paragraph 5 of Resolution 771 (1992) (1 March 1993), IHRLI Doc. No. 11901.

169/ Notes from an interview taken by George Rodrigue, Dallas Morning News, 9 November 1993, IHRLI Doc. No. 39243A.

170/ Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9507-9512; Jeri Laber, "Bosnia: Questions About Rape", The New York Review of Books, 25 March 1993, IHRLI Doc. No. 19913 (based on testimonies gathered by Helsinki Watch and the Women's Rights Project).

Notes (continued)

171/ United States Mission, Sixth Submission of Information to the United Nations Security Council in Accordance with Paragraph 5 of Resolution 771 (1992) (1 March 1993), IHRLI Doc. No. 11901.

172/ Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9507-9512; Jeri Laber, "Bosnia: Questions About Rape", The New York Review of Books, 25 March 1993, IHRLI Doc. No. 19913 (based on testimonies gathered by Helsinki Watch and the Women's Rights Project); Slavenka Drakulić, "Rape After Rape After Rape", New York Times, 13 December 1992, §4, at 17, IHRLI Doc. Nos. 35582-35583; United States Mission, Fifth Submission to the United Nations Security Council Pursuant to Paragraph 5, Resolution 771 (1992), U.N. Doc. S/25171 (18 January 1993), IHRLI Doc. No. 5849 (relying on the Drakulić article); United States Mission, Sixth Submission of Information to the United Nations Security Council in Accordance with Paragraph 5 of Resolution 771 (1992) (1 March 1993), IHRLI Doc. No. 11901; George Rodrigue, Untitled Article, Dallas Morning News, 11 November 1992, IHRLI Doc. Nos. 39937A-39342A; George Rodrigue, Notes from an interview, 9 November 1993, IHRLI Doc. No. 39243A.

173/ Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9507-9512; Jeri Laber, "Bosnia: Questions About Rape", The New York Review of Books, 25 March 1993, IHRLI Doc. No. 19913 (based on testimonies gathered by Helsinki Watch and the Women's Rights Project); Slavenka Drakulić, "Rape After Rape After Rape", New York Times, 13 December 1992, §4, at 17, IHRLI Doc. Nos. 35582-35583; United States Mission, Fifth Submission to the United Nations Security Council Pursuant to Paragraph 5, Resolution 771 (1992), U.N. Doc. S/25171 (18 January 1993), IHRLI Doc. No. 5849 (relying on the Drakulić article).

174/ Slavenka Drakulić, "Rape After Rape After Rape", New York Times, 13 December 1992, §4, at 17, IHRLI Doc. Nos. 35582-35583; United States Mission, Fifth Submission to the United Nations Security Council Pursuant to Paragraph 5, Resolution 771 (1992), U.N. Doc. S/25171 (18 January 1993), IHRLI Doc. No. 5849 (relying on the Drakulić article).

175/ Slavenka Drakulić, "Rape After Rape After Rape", New York Times, 13 December 1992, §4, at 17, IHRLI Doc. Nos. 35582-35583; United States Mission, Fifth Submission to the United Nations Security Council Pursuant to Paragraph 5, Resolution 771 (1992), U.N. Doc. S/25171 (18 January 1993) IHRLI Doc. No. 5849 (relying on the Drakulić article).

176/ Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9507-9512; Jeri Laber, "Bosnia: Questions About Rape", The New York Review of Books, 25 March 1993, IHRLI Doc. No. 19913 (based on testimonies gathered by Helsinki Watch and the Women's Rights Project).

177/ An official source, IHRLI Doc. Nos. 11392-11393; United States Mission, Sixth Submission of Information to the United Nations Security Council in Accordance with Paragraph 5 of Resolution 771 (1992) (1 March 1993), IHRLI Doc. Nos. 11904-11905.

178/ Croatia, Division of Information, Ministry of Health, SIL-425, IHRLI Doc. No. 4621; Helsinki Watch, War Crimes in Bosnia Hercegovina Volume II 181 n.231 (18 April 1993), IHRLI Doc. No. 9471.

Notes (continued)

179/ Croatia, Ministry of Health, report from Professor Branko Hodek regarding a patient, IHRLI Doc. No. 39484A.

180/ There were several camps located in these counties. For more information, see the report on Prison Camps, Annex VIII, paragraphs 1035 through 1109 and paragraphs 1210 through 1227.

181/ This background information on the conquest of Foča was taken from Roy Gutman, "Rape Camps: Evidence Serb leaders in Bosnia Ok'd Attacks", Newsday, 19 April 1993, at 5. Gutman further alleges that the leaders in Foča were directly involved in the systematic rape of Muslim women.

182/ Presidency Member Plavšić, Crimes Committed Against the Serbian People Committed on the Territory of the Republic of Srpska 3 (25 October 1992), IHRLI Doc. No. 5019.

183/ An official source, IHRLI Doc. Nos. 11406, 4829.

184/ An official source, IHRLI Doc. Nos. 12945-12946 (reporting that women were raped and killed in an identified village in Foča); BiH, Rape as a War Crime Against Civil Population, Case 869/92 (29 December 1992), IHRLI Doc. Nos. 13130, 13138 (stating that women were raped by armed men in an identified village in Foča); BiH, Security Department, Ministry of Defense, Witness Statement, Case 325/1992, IHRLI Doc. No. 31971 (stating that a Bosnian Muslim girl was raped at an identified house and that two Muslim girls were raped); BiH, Rape as a War Crime Against Civil Population, Case 864/92 (29 December 1992), IHRLI Doc. No. 13130 (asserting that two girls were raped in June); BiH, Rape as a War Crime Against Civil Population, Case 864/92 (29 December 1992), IHRLI Doc. Nos. 13130, 13138 (alleging that in late June a woman was raped and her husband killed); BiH, Rape as a War Crime Against Civil Population, Case 872/92 (29 December 1992), IHRLI Doc. Nos. 13130, 13138 (reporting that three Bosnian Muslim women were raped in late July 1992); Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9537-9538 (asserting that a woman was raped by three men, one from Foča and two from Montenegro); BiH, Rape as a War Crime Against Civil Population, Case 863/92 (29 December 1992), IHRLI Doc. No. 13129 (stating that 10 children were raped in Kalinovik and Miljevina, Foča); Presidency Member Plavsic, Crimes Committed Against the Serbian People Committed on the Territory of the Republic of Srpska 3 (25 October 1992), IHRLI Doc. No. 5019 (alleging that a named Serbian woman was raped and killed and that her father was killed); BiH, Rape as a War Crime Against Civil Population, Case 883/92 (29 December 1992), IHRLI Doc. Nos. 13126, 13137 (stating that three Bosnian Muslim women were raped in Foča); BiH, Rape as a War Crime Against Civil Population, Case 743/92 (29 December 1992), IHRLI Doc. No. 13128 (reporting that fifty Muslim women and girls from nearby villages were raped in Kalinovik); BiH, "Sexual Crimes of the Aggressor", Bulletin No. 1 (October 1992), IHRLI Doc. No. 3062 (asserting that all the female Muslim residents of Foča between the ages of 13 and 14 were raped); BiH, Commission of Human Freedoms and Rights, Aggression Against the Republic of Bosnia and Herzegovina, IHRLI Doc. No. 26695 (same).

185/ BiH, Rape as a War Crime Against Civil Population, Case 872/92 (29 December 1992), IHRLI Doc. Nos. 33284-33285; BiH, Bulletin No. 2--Facts on War Crimes (October 1992), IHRLI Doc. No. 3063.

Notes (continued)

186/ The family fled to Foča to the victim's father's house. While there, men came to the house and beat up the father. The police intervened, and the perpetrator asked them how they could protect Muslims when Muslims were killing Serbs. Humanitarian Law Fund, Statement of [victim] (1 April 1993), IHRLI Doc. Nos. 14404-14408.

187/ Austrian Mission, Submission to the United Nations (13 April 1993), IHRLI Doc. Nos. 18217-18218.

188/ Petty Officer Second Class J. Ross and Master Corporal T. McComb, "Investigation Report", Rape Pilot Project, Bosnia-Hercegovina 1992-93 (Canadian Forces Military Police, 21 July 1993), IHRLI Doc. No. 33819.

189/ BiH, Ministry of Defence (10 July 1992), IHRLI Doc. No. 33256.

190/ The victim does not specify what "his place" is. This man is accused of running several "bordellos" in Miljevina, and is also credited with saving several women from detention and rape there. Because of this conflicting information, his place in Germany could be a "bordello" or merely his residence. BiH, Rape as a War Crime Against Civil Population, Case 1509-1510, IHRLI Doc. Nos. 29325-29327, 33843-33844.

191/ BiH, Bulletin No. 1--Facts on War Crimes (October 1992), IHRLI Doc. Nos. 13465-13466.

192/ In a signed statement, she reported that many of the 100 Muslim women left in Miljevina were raped. Croatia, Division of Information, Ministry of Health, SIL-418, IHRLI Doc. Nos. 4641-4645.

193/ Tom Post, "A Pattern of Rape", Newsweek, 4 January 1993, at 34, IHRLI Doc. No. 8551.

194/ This is the same man identified in paragraph 108 as the man who saved women and girls from rape and the man who ran several brothels. Croatia, Division of Information, Ministry of Health, SIL-418, IHRLI Doc. Nos. 4641-4645; Tom Post, "A Pattern of Rape", Newsweek, 4 January 1993, at 34, IHRLI Doc. No. 8551.

195/ Roy Gutman, "A Daily Ritual of Sex Abuse"," Newsday, 19 April 1993, IHRLI Doc. Nos. 16909-16910.

196/ BiH, Rape as a War Crime Against Civil Population, Case 1506/93, IHRLI Doc. Nos. 29200-29201, 33820; BiH, Bulletin No. 1--Facts on War Crimes (October 1992), IHRLI Doc. No. 13466.

197/ This is the same woman identified in paragraph 108 as picking out women for Serb soldiers to rape.

198/ This witness also stated that she saw a "bordello" run by the local Serb leader identified in paragraphs 108 and 109. She also states that she was raped at Partizan Sports Hall. BiH, Rape as a War Crime Against Civil Population, IHRLI Doc. Nos. 29202-29203; Croatia, Division of Information, Ministry of Health, SIL-421, IHRLI Doc. Nos. 4622-4623, 4626-4631.

Notes (continued)

199/ Trešnjevka, Report IHRLI Doc. Nos. 6600H-6600I; "Serbs Raped 20,000 as a 'Weapon of War'", The Independent, 6 January 1993, IHRLI Doc. No. 31810.

200/ BiH, Bulletin No. 2--Facts on War Crimes (October 1992), IHRLI Doc. No. 3063; BiH, Commission on Human Freedoms and Rights, Aggression Against the Republic of Bosnia and Herzegovina (6 April 1993), IHRLI Doc. No. 26697 (placing the number of victims at eight).

201/ Croatian Information Centre, Witness Statement (27 August 1992), IHRLI Doc. Nos. 39205A-39207A.

202/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-265, IHRLI Doc. Nos. 57191-57196.

203/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-210, IHRLI Doc. Nos. 57021-57023.

204/ An official source, IHRLI Doc. No. 12945.

205/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56595-56598.

206/ Philippe Koulischer, Livre Noir de la Purification Ethnique (December 1992), IHRLI Doc. No. (alleging that five named women were raped in early May 1992, and naming two alleged perpetrators); Zenica Centre for Investigating War Crimes and Crimes of Genocide on Muslims, Testimony of A.D. (23 August 1992), IHRLI Doc. No. 22323 (same). One source states that this was located in a primary school. United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56781-56785.

207/ Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9537-9538.

208/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56781-56785.

209/ Roy Gutman, "A Daily Ritual of Sex Abuse", Newsday, 19 April 1993, IHRLI Doc. Nos. 16910-16911; United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-219, IHRLI Doc. Nos. 57042-57043; Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9538-9547, 9539-9547; United States Mission, Seventh Submission to the United Nations Security Council, U.N. Doc. S/25586 (12 April 1993), IHRLI Doc. Nos. 11930-11931.

210/ United States Mission, Seventh Submission to the United Nations Security Council, U.N. Doc. No. S/25586 (12 April 1993), IHRLI Doc. Nos. 11930-11931.

211/ Roy Gutman, "A Daily Ritual of Sex Abuse", Newsday, 19 April 1993, IHRLI Doc. Nos. 16910-16911.

Notes (continued)

212/ Id.; United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-219, IHRLI Doc. Nos. 57042-57043; Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9538-9547, 9539-9547; United States Mission, Seventh Submission to the United Nations Security Council, U.N. Doc. S/25586 (12 April 1993), IHRLI Doc. Nos. 11930-11931.

213/ Roy Gutman, "A Daily Ritual of Sex Abuse", Newsday, 19 April 1993, IHRLI Doc. Nos. 16910-16911; United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-219, IHRLI Doc. Nos. 57042-57043; Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9538-9547, 9539-9547; United States Mission, Seventh Submission to the United Nations Security Council, U.N. Doc. S/25586 (12 April 1993), IHRLI Doc. Nos. 11930-11931; United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56781-56785.

214/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-265, IHRLI Doc. Nos. 57191-57196.

215/ Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9539-9547.

216/ United States State Department, Submission to the Commission of Experts, Cases 94-1 to 94-276, Case 94-265, IHRLI Doc. Nos. 57191-57196; United States State Department, Submission to the Commission of Experts, Cases 94-1 to 94-276, Case 94-264, IHRLI Doc. Nos. 57188-57190.

217/ United States State Department, Submission to the Commission of Experts, Cases 94-1 to 94-276, Case 94-265, IHRLI Doc. Nos. 57191-57196; United States State Department, Submission to the Commission of Experts, Cases 94-1 to 94-276, Case 94-264, IHRLI Doc. Nos. 57188-57190; Roy Gutman, "A Daily Ritual of Sex Abuse"," Newsday, 19 April 1993, IHRLI Doc. Nos. 16910-16911; United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-219, IHRLI Doc. Nos. 57042-57043; Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9538-9547, 9539-9547; United States Mission, Seventh Submission to the United Nations Security Council, U.N. Doc. S/25586 (12 April 1993), IHRLI Doc. Nos. 11930-11931.

218/ United States State Department, Submission to the Commission of Experts, Cases 94-1 to 94-276, Case 94-265, IHRLI Doc. Nos. 57191-57196; United States State Department, Submission to the Commission of Experts, Cases 94-1 to 94-276, Case 94-264, IHRLI Doc. Nos. 57188-57190.

219/ United States State Department, Submission to the Commission of Experts, Cases 94-1 to 94-276, Case 94-265, IHRLI Doc. Nos. 57191-57196; United States State Department, Submission to the Commission of Experts, Cases 94-1 to 94-276, Case 94-264, IHRLI Doc. Nos. 57188-57190; Roy Gutman, "A Daily Ritual of Sex Abuse", Newsday, 19 April 1993, IHRLI Doc. Nos. 16910-16911; United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-219, IHRLI Doc. Nos. 57042-57043; Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9538-9547, 9539-9547; United States Mission, Seventh

Notes (continued)

Submission to the United Nations Security Council, U.N. Doc. S/25586 (12 April 1993), IHRLI Doc. Nos. 11930-11931.

220/ Report from J.M. Ross to William Fenrick, member United Nations Commission of Experts, 22 July 1993, IHRLI Doc. Nos. 35667-35669; Roy Gutman, "A Daily Ritual of Sex Abuse", Newsday, 19 April 1993, IHRLI Doc. Nos. 16909-16911; United States State Department, Submission to the Commission of Experts, Cases 94-1 to 94-276, Case 94-265, IHRLI Doc. Nos. 57191-57196; United States State Department, Submission to the Commission of Experts, Cases 94-1 to 94-276, Case 94-264, IHRLI Doc. Nos. 57188-57190; United States State Department, Submission to the Commission of Experts, Cases 94-1 to 94-276, Case 94-219, IHRLI Doc. Nos. 57042-57043; Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9538-9547, 9539-9547; United States Mission, Seventh Submission to the United Nations Security Council, U.N. Doc. S/25586 (12 April 1993), IHRLI Doc. Nos. 11930-11931; BiH, Rape as a War Crime Against Civil Population, Case 2016/1993 (Dec. 29, 1992), IHRLI Doc. No. 34698; Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. No. 9544; Croatia, Division of Information, Ministry of Health, SIL-415, IHRLI Doc. Nos. 4646-4649; Facsimile transmission from Breakfast News to Frits Kalshoven, Chairman, Commission of Experts (5 January 1993), IHRLI Doc. No. 4907; Tom Post, "A Pattern of Rape", Newsweek, 4 January 1993, at 33-34, IHRLI Doc No. 8550; BiH, Bulletin No. 3--Facts on War Crime (March 1993), IHRLI Doc. No. 13480; Croatia, Division of Information, Ministry of Health, SIL-420, IHRLI Doc. Nos. 4628-4631; Municipality in BiH, Report, IHRLI Doc. No. 12941.

221/ Report from J.M. Ross to William Fenrick, Chairman, Commission of Experts, 22 July 1993, IHRLI Doc. Nos. 35667-35669; BiH, Rape as a War Crime Against Civil Population, Case 2016/1993, IHRLI Doc. No. 34698; Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. No. 9544; Croatia, Division of Information, Ministry of Health, SIL-415, IHRLI Doc. No. 4646-4649; Facsimile transmission from Breakfast News to Frits Kalshoven, Chairman, Commission of Experts (5 January 1993), IHRLI Doc. No. 4907; Tom Post, "A Pattern of Rape", Newsweek, 4 January 1993, at 33-34, IHRLI Doc No. 8550; BiH, Bulletin No. 3--Facts on War Crime (March 1993), IHRLI Doc. No. 13480; Croatia, Division of Information, Ministry of Health, SIL-420, IHRLI Doc. Nos. 4628-4631; Municipality in BiH, Report, IHRLI Doc. No. 12941; Roy Gutman, "A Daily Ritual of Sex Abuse", Newsday, 19 April 1993, IHRLI Doc. Nos. 16909-16911.

222/ Roy Gutman, "A Daily Ritual of Sex Abuse", Newsday, 19 April 1993, IHRLI Doc. Nos. 16909-16910. Another woman interviewed in this article confirmed that women were referred to the sports hall to await safe passage.

223/ One woman stated that in August of 1992, there were 37 people at the Sports Hall. BiH, Bulletin No. 3--Facts on War Crimes (March 1993), IHRLI Doc. No. 13480.

224/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-264, IHRLI Doc. Nos. 57188-57190 (stating there were seventy women and children at the camp); Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9538-9547 (alleging that there were about seventy-two internees about 4 of whom were older men); United States Mission, Seventh Submission to the United Nations Security Council, U.N. Doc. S/25586 (12 April 1993), IHRLI Doc. Nos. 11930-11931 (estimating the population at seventy-four,

Notes (continued)

including five older men).

225/ Report from J.M. Ross to William Fenrick, member United Nations Commission of Experts, 22 July 1993, IHRLI Doc. Nos. 35667-35669; Roy Gutman, "A Daily Ritual of Sex Abuse", Newsday, 19 April 1993, IHRLI Doc. Nos. 16909-16911; United States State Department, Submission to the Commission of Experts, Cases 94-1 to 94-276, Case 94-265, IHRLI Doc. Nos. 57191-57196; United States State Department, Submission to the Commission of Experts, Cases 94-1 to 94-276, Case 94-264, IHRLI Doc. Nos. 57188-57190; United States State Department, Submission to the Commission of Experts, Cases 94-1 to 94-276, Case 94-219, IHRLI Doc. Nos. 57042-57043; Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9538-9547, 9539-9547; United States Mission, Seventh Submission to the United Nations Security Council, U.N. Doc. S/25586 (12 April 1993), IHRLI Doc. Nos. 11930-11931; BiH, Rape as a War Crime Against Civil Population, Case 2016/1993 (29 December 1992), IHRLI Doc. No. 34698; Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. No. 9544; Croatia, Division of Information, Ministry of Health, SIL-415, IHRLI Doc. Nos. 4646-4649; Facsimile transmission from Breakfast News to Frits Kalshoven, Chairman, Commission of Experts (5 January 1993), IHRLI Doc. No. 4907; Tom Post, "A Pattern of Rape", Newsweek, 4 January 1993, at 33-34, IHRLI Doc No. 8550; BiH, Bulletin No. 3--Facts on War Crime (March 1993), IHRLI Doc. No. 13480; Croatia, Division of Information, Ministry of Health, SIL-420, IHRLI Doc. Nos. 4628-4631; Municipality of BiH, Report, IHRLI Doc. No. 12941.

226/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-265, IHRLI Doc. Nos. 57191-57196; United States Mission, Seventh Submission to the United Nations Security Council, U.N. Doc. S/ 25586 (12 April 1993), IHRLI Doc. Nos. 11930-11931; Roy Gutman, "A Daily Ritual of Sex Abuse", Newsday, 19 April 1993, IHRLI Doc. Nos. 16910-16911.

227/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-265, IHRLI Doc. Nos. 57191-57196.

228/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-265, IHRLI Doc. Nos. 57191-57196; United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-219, IHRLI Doc. Nos. 57042-57043; United States Mission, Seventh Submission to the United Nations Security Council, U.N. Doc. No. S/25586 (12 April 1993), IHRLI Doc. Nos. 11930-11931; BiH, Bulletin No. 3--Facts on War Crimes (March 1993), IHRLI Doc. No. 13480, Roy Gutman, "A Daily Ritual of Sex Abuse", Newsday, 19 April 1993, IHRLI Doc. Nos. 16910-16911.

229/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-219, IHRLI Doc. Nos. 57042-57043.

230/ Roy Gutman, "A Daily Ritual of Sex Abuse", Newsday, 19 April 1993, IHRLI Doc. Nos. 16910-16911 (stating also that these disappeared); United States, Seventh Submission to the United Nations Security Council, U.N. Doc. S/25586 (12 April 1993), IHRLI Doc. Nos. 11930-11931; Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. No. 9544.

Notes (continued)

231/ Philippe Koulischer, Deuxieme Livre Noir de la Purification Ethnique (December 1992), IHRLI Doc. No. 6004 (alleging that 13 year old girls were raped and killed at the camp); Report from J.M. Ross to William Fenrick, member, Commission of Experts, 22 July 1993, IHRLI Doc. Nos. 35667-35669 (identifying a 13 year old girl who was raped repeatedly in front of her mother); BiH, Rape as a War Crime Against Civil Population, Case 2016/1993 (29 December 1992), IHRLI Doc. No. 34698 (identifying a 12 year old who was repeatedly raped, sometimes in front of her mother); Croatia, Division of Information, Ministry of Health, SIL-415, IHRLI Doc. Nos. 4646-4649; Facsimile transmission from Breakfast News to Frits Kalshoven, Chairman, Commission of Experts (5 January 1993), IHRLI Doc. No. 4907; Tom Post, "A Pattern of Rape", Newsweek, 4 January 1993, at 33-34, IHRLI Doc No. 8550; Municipality in BiH, Report, IHRLI Doc. 12941.

232/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-219, IHRLI Doc. Nos. 57042-57043.

233/ Roy Gutman, "A Daily Ritual of Sex Abuse", Newsday, 19 April 1993, IHRLI Doc. Nos. 16909-16910.

234/ Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9538-9547, 9539-9547; Croatia, Division of Information, Ministry of Health, SIL-415, IHRLI Doc. Nos. 4646-4649; Facsimile transmission from Breakfast News to Frits Kalshoven, Chairman, Commission of Experts (5 January 1993), IHRLI Doc. No. 4907; Tom Post, "A Pattern of Rape", Newsweek, 4 January 1993, at 33-34, IHRLI Doc No. 8550.

235/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-265, IHRLI Doc. Nos. 57191-57196; United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-264, IHRLI Doc. Nos. 57188-57190; United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-219, IHRLI Doc. Nos. 57042-57043; Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9538-9547.

236/ Roy Gutman, "A Daily Ritual of Sex Abuse", Newsday, 19 April 1993, IHRLI Doc. Nos. 16910-16911; United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-265, IHRLI Doc. Nos. 57191-57196; United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-219, IHRLI Doc. Nos. 57042-57043; Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9538-9547; Croatia, Division of Information, Ministry of Health, SIL-420, IHRLI Doc. Nos. 4628-4631; Croatia, Division of Information, Ministry of Health, SIL-421, IHRLI Doc. Nos. 4622-4623, 4626-4631.

237/ This man was discussed in paragraphs 108-110.

238/ BiH, Rape as a War Crime Against Civil Population, Case 1509-1510, IHRLI Doc. Nos. 29325-29327, 33843-33844; Croatia, Division of Information, Ministry of Health, SIL-420, IHRLI Doc. Nos. 4628-4631.

Notes (continued)

239/ It is impossible to determine whether the account is provided by the same witness through different sources. Roy Gutman, "A Daily Ritual of Sex Abuse", Newsday, 19 April 1993, IHRLI Doc. Nos. 16910-16911; United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-219, IHRLI Doc. Nos. 57042-57043; Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9538-9547; United States Mission, Seventh Submission to the United Nations Security Council, U.N. Doc. S/25586 (12 April 1993), IHRLI Doc. Nos. 11930-11931.

240/ Roy Gutman, "A Daily Ritual of Sex Abuse", Newsday, 19 April 1993, IHRLI Doc. Nos. 16910-16911; United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-219, IHRLI Doc. Nos. 57042-57043 (adding that Commander Marko Kovač had ordered the gang-rape); Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9538-9547 (alleging that she was also gang raped by four men at Buk Bijeli before the man saved her and that the man also saved a 12 year old girl from rape that night).

241/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-265, IHRLI Doc. Nos. 57191-57196; United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-264, IHRLI Doc. Nos. 57188-57190; Roy Gutman, "A Daily Ritual of Sex Abuse", Newsday, 19 April 1993, IHRLI Doc. Nos. 16910-16911; United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-219, IHRLI Doc. Nos. 57042-57043; Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9539-9547.

242/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-265, IHRLI Doc. Nos. 57191-57196; United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-264, IHRLI Doc. Nos. 57188-57190; Roy Gutman, "A Daily Ritual of Sex Abuse", Newsday, 19 April 1993, IHRLI Doc. Nos. 16910-16911.

243/ Croatia, Division of Information, Ministry of Health, SIL-418, IHRLI Doc. Nos. 4641-4645; Tom Post, "A Pattern of Rape", Newsweek, 4 January 1993, at 34, IHRLI Doc. No. 8551.

244/ BiH, Ministry of the Interior, Security Department, Information on Ethnic Cleansing in Eastern Bosnia and Herzegovina, No. 17 11-197/1992 (21 October, 1992), IHRLI Doc. No. 34887; An official source, IHRLI Doc. Nos. 11406, 4829; Croatian Mission, Submission to the United Nations Security Council (7 January 1993), IHRLI Doc. Nos. 5133-5134.

245/ This man is discussed in paragraphs 108-110, 120.

246/ BiH, Rape as a War Crime Against Civil Population, Case 1758/93, IHRLI Doc. Nos. 29204, 29206, 32102, 33816; M. Cherif Bassiouni & Commander William Fenrick, Summary of Interviews of Two Rape Victims (Sarajevo, 25 April 1993), IHRLI Doc. Nos. 15568-15569; Croatia, Division of Information, Ministry of Health, SIL-421, IHRLI Doc. Nos. 4622-4623, 4626-4631; BiH, Rape as a War Crime Against Civil Population, Case 1460/93, IHRLI Doc. Nos. 29240-29241, 33815; M. Cherif Bassiouni & Commander William Fenrick, Summary of Interviews

Notes (continued)

of Two Rape Victims (Sarajevo, 25 April 1993), IHRLI Doc. Nos. 15568.

247/ Conversation with M. Cherif Bassiouni, Chairman, Commission of Experts, based on M. Cherif Bassiouni & Commander William Fenrick, Summary of Interviews of Two Rape Victims (Sarajevo, 25 April 1993), IHRLI Doc. Nos. 15568-15569; BiH, State Commission on War Crimes, Report from investigator, 23 September 1992.

248/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56610-56612.

249/ This is an old song called March to the Drina.

250/ Six of these were detainees at the same house as the witness.

251/ United States Mission, Seventh Submission to the United Nations Security Council, U.N. Doc. S/25586 (12 April 1993), IHRLI Doc. Nos. 11929; United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-218, IHRLI Doc. Nos. 57040-57041.

252/ BiH, Memorandum from war crimes investigator to the State Commission for War Crimes, 25 September 1992, IHRLI Doc. Nos. 30244-30245, 39463A; Robert Fisk, "The Rapes Went on Day and Night", The Independent, 8 February 1993, at 8, IHRLI Doc. Nos. 43916-43917.

253/ Robert Fisk, "The Rapes Went on Day and Night", The Independent, 8 February 1993, at 8, IHRLI Doc. Nos. 43916-43917.

254/ Presidency Member Plavšić, Crimes Committed Against the Serbian People Committed on the Territory of the Republic of Srpska 3 (25 October 1992), IHRLI Doc. No. 5019.

255/ An official source, IHRLI Doc. Nos. 11406, 4829.

256/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 1116 through 1153.

257/ BiH, State Commission for War Crimes, Rape as a War Crime Against Civil Population, 29 December 1992, IHRLI Doc. Nos. 13129, 13137.

258/ ECMM, Letter from European Community Monitor Mission, to Professor Kalshoven, Chairman, Commission of Experts, 27 January 1993, IHRLI Doc. Nos. 5889-5892.

259/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 1157 through 1161.

260/ Croatia, Division of Information, Ministry of Health, SIL-439 IHRLI Doc. No. 4621; Jasmina Kuzmanović, "A Victim Awaits to Give Birth", Associated Press, IHRLI Doc. Nos. 35591-35594; Kitty McKinsey, "The Bestiality of War", Calgary Herald, 24 January 1993, IHRLI Doc. Nos. 35599-35602; Croatia, Division of Information, Ministry of Health, SIL-438, IHRLI Doc. No. 4621;

Notes (continued)

Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II 253 n.19, IHRLI Doc. No. 9547; Daniela Horvath, "The Children of the Rapes", Stern, June 1993, at 11-12, IHRLI Doc. Nos. 21591-21592.

261/ Croatia, Division of Information, Ministry of Health, SIL-439, IHRLI Doc. No. 4621.

262/ Jasmina Kuzmanović, "A Victim Waits to Give Birth", Associated Press, 7 January 1993, PM Cycle, IHRLI Doc. Nos. 35591-35594; Kitty McKinsey, "The Bestiality of War", Calgary Herald, 24 January 1993, at B3, IHRLI Doc. Nos. 35599-35602.

263/ Yugoslav Mission, Press release, 11 October 1992, IHRLI Doc. No. 2198.

264/ German Mission, Submission to the United Nations . . ., IHRLI Doc. Nos. 5453-5454. While the allegations in this report are somewhat inflammatory, hearkening to Ottoman rule, the base allegations may be corroborated elsewhere.

265/ This demographic information is from the 1991 census of the region.

266/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. No. 62614.

267/ Croatian Information Center, Bulletin No. 4, IHRLI Doc. No. 34955.

268/ UN Center for Human Rights, Testimony of DO-64, 11 August 1993, IHRLI Doc. No. 40390-40395.

269/ UN Center for Human Rights, Testimony of DO-64, IHRLI Doc. No. 40376-40395.

270/ German Mission, Submission to the United Nations . . ., IHRLI Doc. Nos. 5453-5454. While the language used in this report is inflammatory, hearkening back to the Ottoman empire, the base allegations may be corroborated by other sources. For this reason, it is included in the study.

271/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 1200 through 1203.

272/ Deposition of [victim], Serbian State Commission for War Crimes, in Yugoslav Mission, Submission to the United Nations Mission on Human Rights, U.N. Doc. E/CN.4/1993/86 (29 January 1993), IHRLI Doc. No. 12626-12629.

273/ Croatian Information Centre, Weekly Bulletin No. 16, 22 November 1993, IHRLI Doc. No. 49102.

274/ UN Centre for Human Rights, Field Operations Report, 8 July 1993, IHRLI Doc. No. 29666.

275/ An official source, IHRLI Doc. Nos. 38238-38239.

Notes (continued)

276/ ECMM, Report on Inter-Ethnic Violence in Vitez, Busovaća and Zenica, April 1993, IHRLI Doc. No. 51697.

277/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 1238 through 1241.

278/ An official source, IHRLI Doc. Nos. 23701-23702.

279/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 1242 through 1258.

280/ United States, Seventh Submission of Information to the United Nations Security Council, U.N. Doc. S/25586 (12 April 1993), IHRLI Doc. No. 11942-11943; Canada, Report #2, 29 June 1993, IHRLI Doc. No. 26663; Amnesty International, Bosnia-Hercegovina: Rape and Sexual Abuse by Armed Forces (January 1993), IHRLI Doc. No. 5520; Helsinki Watch, War Crimes in Bosnia-Herzegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9367-9369; United Kingdom, Defence Debriefing Team, Summary No. 19 of Atrocity Information, IHRLI Doc. No. 43261; BiH, State Commission for War Crimes, Rape as a War Crime Against Civil Population, Case 1551/93, IHRLI Doc. No. 13131; Report of Crimes Committed Against Humanity and the International Law and of Concentration Camps Formed by the Aggressor in Bosnia and Herzegovina (August 1992), IHRLI Doc. No. [illegible]19; Zdravko Grebo, Crimes Committed Against Non-Serbian Citizens of BiH, IHRLI Doc. No. 5505.

281/ Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II 178-181 (18 April 1993), IHRLI Doc. Nos. 9468-9471.

282/ Zenica Center for Investigation of War Crimes and Crimes of Genocide on the Muslims, Statement of [witness], in Philippe Koulischer, Deuxieme Livre Noir de la Purification Ethnique 45 (1992), IHRLI Doc. No. 5980, 22301.

283/ Amnesty International report (unnamed), cited in BiH v. Yugoslavia, 20 March 1993, IHRLI Doc. No. 17005.

284/ Though this is very similar to the Amnesty International report, there are differences in the ages of the victims, the number of women abused, and the dates. Thus, it is likely that this is a different incident.

285/ Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II 172-181 (18 April 1993), IHRLI Doc. No. 9462-9468.

286/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 1259 through 1335.

287/ Letter from Professor Biljana Plavšić, member of the Presidency, Serbian Republic (27 September 1992) (continuing victim testimonies) IHRLI Doc. No. 5085.

Notes (continued)

288/ Report from a meeting of the Association of Serbs from Konjic, Belgrade, 23 November 1992, IHRLI Doc. No. 7060; Yugoslav Mission, Submission to the United Nations Commission of Experts (2 July 1993) IHRLI Doc. Nos. 28779, 28548.

289/ Letter from Biljana Plavšić, Member of Presidency, Serbian Republic (27 September 1992) (containing victim testimonies) IHRLI Doc. Nos. 5084, 5079-5080.

290/ An official source, IHRLI Doc. No. 5867; Serbian Council Information Centre, Documentation Regarding the Violation of Human Rights, Ethnic Cleansing, Crimes and Violence by Croatian and Muslim Armed Formations Against the Serbian Civilian Population in B-H: Dossier No. 3 - Muslim Camps in Konjic Municipality: Čelebići, Sport-Hall Musala in Konjic and Donje Selo IHRLI Doc. Nos. 46149-46154, 46140-46148, 46155-46159; Serbian Council Information Centre, Rape and Sexual Abuse of Serb Women, Men and Children in Areas Controlled by Croatian and Muslim Armed Formations in Bosnia and Herzegovina and Croatia, 1991-1993, IHRLI Doc. Nos. 21129-21131. United Nations Centre for Human Rights Field Operations Zagreb, Submission to the United Nations Commission of Experts (June 1993), IHRLI Doc. No. 29666-29667; An official source, IHRLI Doc. No. 49545; Open Letter from Professor Biljana Plavšić, Member of Presidency (27 September 1992) IHRLI Doc. Nos. 5086-5087 (containing victim testimonies); Serbian Council Information Centre, Documentation Regarding the Violation of Human Rights . . . Against the Serbian Civilian Population in Bosnia Hercegovina: Dossier No. 2 (29 January 1993) IHRLI Doc. Nos. 14203-14207.

291/ An official source, IHRLI Doc. No. 49545; Serbian Council Information Centre, Rape and Sexual Abuse of Serb Women, Men and Children in Areas Controlled by Croatian and Muslim Armed Formations in Bosnia and Herzegovina and Croatia, 1991-1993 IHRLI Doc. Nos. 21129-21131; An official source, IHRLI Doc. No. 5867; Serbian Council Information Center, Documentation Regarding the Violation of Human Rights, Ethnic Cleansing, Crimes and Violence by Croatian and Muslim Armed Formations Against the Serbian Civilian Population in B-H: Dossier No. 3 -- Muslim Camps in Konjic Municipality: Čelebići, Sport-Hall Musala in Konjic and Donje Selo 6/10/92-4/21/93, IHRLI Doc. Nos. 46149-46154; United Nations Centre for Human Rights Field Operations in Zagreb, Submission to the United Nations Commission of Experts (June 1993), IHRLI Doc. Nos. 29666-29667.

292/ Open Letter from Professor Biljana Plavšić, Member of Presidency, (27 September 1992) IHRLI Doc. Nos. 5086-5087 (containing victim testimonies).

293/ Report from a meeting of the Association of Serbs from BiH and the Association of Serbs from Konjic, BiH, 23 November 1992, in Belgrade, Serbia IHRLI Doc. No. 7042.

294/ Yugoslav Mission, Submission to the United Nations Commission of Experts (2 July 1993) IHRLI Doc. No. 28547.

295/ Yugoslav Mission, "Brothels with Serb Women Established by Muslim and Croatian Forces", Submission to the United Nations Security Council in Compliance with Paragraph 5 of Resolution 771 (1992), U.N. Doc. A/47/813, S/24991 (18 December 1992) IHRLI Doc. No. 4800.

Notes (continued)

296/ Yugoslav Mission, "Brothels with Serb Women Established by Muslim and Croatian Forces", Submission to the United Nations Security Council in Compliance with Paragraph 5 of Resolution 771 (1992), U.N. Doc. A/47/813, S/24991 (18 December 1992) IHRLI Doc. No. 4800.

297/ Yugoslav Mission, Submission to the United Nations Commission of Experts (2 July 1993) IHRLI Doc. No. 28548.

298/ An official source, IHRLI Doc. Nos. 5865, 49543.

299/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 1336 through 1366.

300/ Kitty McKinsey, "The Bestiality of War", Calgary Herald, 24 January 1993, at B3, IHRLI Doc. Nos. 35599-35602; United States Mission, Sixth Submission to the United Nations Security Council Pursuant to Paragraph 5 of Resolution 771 (1992) (12 March 1993), IHRLI Doc. Nos. 11901-11903.

301/ United States Mission, Sixth Submission to the United Nations Security Council Pursuant to Paragraph 5 of Resolution 771 (1992) (12 March 1993), IHRLI Doc. Nos. 11901-11903.

302/ Croatian Mission, Submission to the United Nations Security Council (7 January 1993), IHRLI Doc. Nos. 5133-5134; Croatia, Division of Information, Ministry of Health, SIL-431, IHRLI Doc. Nos. 4621.

303/ Carol J. Williams, "Keeping a Baby Born of Violence", L.A. Times, 24 October 1993, at A1, IHRLI Doc. No. 43913; French Mission, Supplementary Report to United Nations Security Council, (5 November 1992), IHRLI Doc. Nos. 1331-1332.

304/ Amnesty International, Bosnia-Hercegovina: Rape and Sexual Abuse by Armed Forces (January 1993), IHRLI Doc. No. 5520; Ethnic Cleansing, Genocide for Greater Serbia (Tilman Zulch, ed., undated), IHRLI Doc. Nos. 14478, 014481; Carol J. Williams, "Keeping a Baby Born of Violence", L.A. Times, 24 October 1993, at A1, IHRLI Doc. No. 43913.

305/ Carol J. Williams, "Keeping a Baby Born of Violence", L.A. Times, 24 October 1993, at A1, IHRLI Doc. No. 43913.

306/ Ethnic Cleansing, Genocide for a Greater Serbia, (Tilman Zulch, ed., undated), IHRLI Doc. No. 14481.

307/ BiH, Rape as a War Crime Against Civil Population (29 December 1992), IHRLI Doc. Nos. 13128, 13129.

308/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 1378 through 1395.

309/ Deposition of [victim], Yugoslav State Commission for War Crimes, IHRLI Doc. Nos. 4798-4799; Milena Drazic, "Might Makes Right, Irrespective of God or Love", Borba, 20 December, 1992, IHRLI Doc. No. 5076.

Notes (continued)

310/ Deposition of [victim], Yugoslav State Commission on War Crimes, in Yugoslav Mission, Submission to the United Nations Security Council, Pursuant to Paragraph 5, Resolution 771 (1992) (18 December 1992), IHRLI Doc. Nos. 4795-4797; Milena Dražič, "Might Makes Right, Irrespective of God or Love", Borba, 20 December 1992, IHRLI Doc. No. 5073.

311/ There were several camps located in these counties. For more information, see the report on Prison Camps, Annex VIII, paragraphs 1426 through 1467 and paragraphs 911 through 942.

312/ Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, Fifth Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia, U.N. Doc. E/CN.4/1994/47 (17 November 1993), IHRLI Doc. No. 52404.

313/ The source implies that the alleged perpetrators were members of the Croatian military police, and the victims Muslim. An official source, IHRLI Doc. No. 55835.

314/ An official source, IHRLI Doc. No. 29769.

315/ An official source, IHRLI Doc. No. 38328; Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, Fifth Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia, U.N. Doc. E/CN.4/1994/47 (17 November 1993), IHRLI Doc. No. 52404.

316/ Amnesty International, Urgent Action, 23 July 1993, at 1, IHRLI Doc. Nos. 34969-34970.

317/ Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, Fifth Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia, U.N. Doc. E/CN.4/1994/47 (17 November 1993), IHRLI Doc. No. 52404.

318/ Id. (reporting that evictions from Mostar were accompanied by sexual abuse, including rape, and that typically, Muslim women were strip-searched by male HVO soldiers before being forced across the confrontation line).

319/ Kurt Schork, "U.N. Accuses Bosnia Croats of Ethnic Cleansing", Reuters, 20 August 1993, BC Cycle.

320/ Yugoslav Mission, Submission to the United Nations Commission on Human Rights, U.N. Doc. E/CN.4/1993/86 (29 January 1993), IHRLI Doc. No. 12636; Gojko Dogo, Crimes Committed by the Croatian and Muslim Armed Forces Against the Serb Civilian Population in the Municipality of Konjic, Bosnia-Hercegovina (April to July 1992), IHRLI Doc. Nos. 10348; United States Mission, Fifth Submission to the United Nations Security Council, Pursuant to Paragraph 5 of Resolution 771 (1992), U.N. Doc. S/25171, (18 January 1993), IHRLI Doc. Nos. 5849-5850; Amnesty International, Bosnia-Herzegovina: Rape and Sexual Abuse by Armed Forces (January 1993), IHRLI Doc. No. 5522 (estimating sixty women and 110 men); Testimony of the Orthodox Bishop of Hercegovina, Dr. Atanasije Jevtic, Professor of Theology (28 September 1992), IHRLI Doc. No. 775.

Notes (continued)

321/ Yugoslav State Commission on War Crimes and the Crimes of Genocide, "Deposition of [victim]", Submission to the United Nations Commission on Human Rights, U.N. Doc. E/CN.4/1993/86 (29 January 1993), IHRLI Doc. Nos. 12633-12635; IHRLI videotape #62, transcript, IHRLI Doc. No. 52449. See also Yugoslav State Commission on War Crimes and Crimes of Genocide, "Deposition of [victim]", Submission to the United Nations Commission on Human Rights, U.N. Doc. E/CN.4/1993/86 (29 January 1993), IHRLI Doc. Nos. 12630-12632 (stating only that the detainees were housed in hangars).

322/ Interviews with witnesses, interviewers and witnesses unidentified, IHRLI Doc. Nos. 11846-11861; Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9629-9630, 9635-9639.

323/ Yugoslav Mission, Submission to the United Nations Commission on Human Rights, U.N. Doc. E/CN.4/1993/86 (29 January 1993), IHRLI Doc. No. 12636; Gojko Dogo, Crimes Committed by the Croatian and Muslim Armed Forces Against the Serb Civilian Population in the Municipality of Konjic, Bosnia-Hercegovina (April to July 1992), IHRLI Doc Nos. 10348; United States Mission, Fifth Submission to the United Nations Security Council, Pursuant to Paragraph 5 of Resolution 771 (1992), U.N. Doc. S/25171, (18 January 1993), IHRLI Doc. Nos. 5849-5850; Amnesty International, Bosnia-Herzegovina: Rape and Sexual Abuse by Armed Forces (January 1993), IHRLI Doc. No. 5522); Testimony of the Orthodox Bishop of Hercegovina, Dr. Atanasije Jevtić, Professor of Theology (28 September 1992), IHRLI Doc. No. 775; Nikola Marinović, Stories from Hell (1993), IHRLI Doc. No. 21053; Yugoslav State Commission on War Crimes and the Crimes of Genocide, "Deposition of [victim]", Submission to the United Nations Commission on Human Rights, U.N. Doc. E/CN.4/1993/86 (29 January 1993), IHRLI Doc. Nos. 12633-12635; IHRLI videotape #62, transcript, IHRLI Doc. No. 52449. See also Yugoslav State Commission on War Crimes and Crimes of Genocide, "Deposition of [victim]", Submission to the United Nations Commission on Human Rights, U.N. Doc. E/CN.4/1993/86 (29 January 1993), IHRLI Doc. Nos. 12630-12632 (stating only that the detainees were housed in hangars); Interviews with witnesses, interviewers and witnesses unidentified, IHRLI Doc. Nos. 11846-11861; Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9629-9639; Yugoslav Mission, Submission to the United Nations Commission of Experts (2 July 1993), IHRLI Doc. No. 28567.

324/ Yugoslav State Commission on War Crimes and Crimes of Genocide, "Deposition of [victim]", Submission to the United Nations Commission on Human Rights, U.N. Doc. E/CN.4/1993/86 (29 January 1993), IHRLI Doc. Nos. 12630-12632.

325/ Recent reports indicate that only draft age Muslim men are being held by Bosnian Croat forces in charge of Dretelj and other facilities in the Mostar region. Kurt Schork, "U.N. Accuses Bosnia Croats of Ethnic Cleansing", Reuters, 20 August 1993, BC cycle.

326/ Only one report alleges that men were sexually assaulted there. Helsinki watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9631-9632, 9634-9635 (reporting that two Croatian women forced 50 to 60 men to perform oral sex on each other).

Notes (continued)

327/ Yugoslav Mission, Submission to the United Nations Commission on Human Rights, U.N. Doc. E/CN.4/1993/86 (January 29, 1993), IHRLI Doc. No. 12636; Gojko Dogo, Crimes Committed by the Croatian and Muslim Armed Forces Against the Serb Civilian Population in the Municipality of Konjic, Bosnia-Hercegovina (April to July 1992), IHRLI Doc. Nos. 10348; United States Mission, Fifth Submission to the United Nations Security Council, Pursuant to Paragraph 5 of Resolution 771 (1992), U.N. Doc. S/25171, (18 January 1993), IHRLI Doc. Nos. 5849-5850; Amnesty International, Bosnia-Herzegovina: Rape and Sexual Abuse by Armed Forces (January 1993), IHRLI Doc. No. 5522; Testimony of the Orthodox Bishop of Hercegovina, Dr. Atanasije Jevtić, Professor of Theology (September 28, 1992), IHRLI Doc. No. 775; Nikola Marinović, Stories from Hell (1993), IHRLI Doc. No. 21053; Yugoslav State Commission on War Crimes and the Crimes of Genocide, "Deposition of [victim]", Submission to the United Nations Commission on Human Rights, U.N. Doc. E/CN.4/1993/86 (January 29, 1993), IHRLI Doc. Nos. 12633-12635; IHRLI videotape #62, transcript, IHRLI Doc. No. 52449. See also Yugoslav State Commission on War Crimes and Crimes of Genocide, "Deposition of [victim]", Submission to the United Nations Commission on Human Rights, U.N. Doc. E/CN.4/1993/86 (29 January 1993), IHRLI Doc. Nos. 12630-12632; Interviews with witnesses, interviewers and witnesses unidentified, IHRLI Doc. Nos. 11846-11861; Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9629-9639; Yugoslav Mission, Submission to the United Nations Commission of Experts (2 July 1993), IHRLI Doc. No. 28567; Republic of Serbia, Information on the Aggression of the Republic of Croatia on the Republic of Srpska and Genocide over the Serbs in the Former Bosnia and Herzegovina (30 September 1992), IHRLI Doc. No. 5035; German Mission, Submission to the United Nations Centre for Human Rights (6 January 1993), IHRLI Doc. No. 5487; Association of Citizens of Mostar and Friends of Mostar, Report to the United Nations (25 October 1992), IHRLI Doc. No. 10311; Serbian Council Information Centre, Documentation Regarding the Violation of Human Rights, Ethnic Cleansing, Crimes, and Violence by Croatian and Muslim Armed Formations Against the Serbian Civilian Population in Bosnia-Hercegovina and Croatia 1991-1993: Rape and Sexual Abuse of Serb Women (15 January 1993), IHRLI Doc. No. 14193; "Article", Slobodno Nevesinja, 20 September 1992, IHRLI Doc. No. 4781 (cited by Yugoslav Mission, Submission to the United Nations Security Council Pursuant to Paragraph 5 of Resolution 771 (1992), U.N. Doc. A/47/813, S/24991 (18 December 1992), IHRLI Doc. No. 4781; Letter from Yugoslav Charge D'Affaires to Frits Kalshoven, Chairman, Commission of Experts, 27 November 1992, IHRLI Doc. No. 3123; Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, Third Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia (23 February 1993), IHRLI Doc. Nos. 11561-11562; and Inter-agency Group of the Government of the Federal Republic of Yugoslavia, Violations of the Human Rights of Women Including Violence Against Them and Rape as a New Type of War Crimes in Bosnia-Herzegovina and Croatia (undated), IHRLI Doc. No. 21099).

328/ Interviews with witnesses, interviewers and witnesses unidentified, IHRLI Doc. Nos. 11846-11861.

329/ Id.; Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9629-9630, 9635-9639.

330/ Yugoslav State Commission on War Crimes and Crimes of Genocide, "Deposition of [victim]", Submission to the United Nations Commission on Human Rights, U.N. Doc. E/CN.4/1993/86 (29 January 1993), IHRLI Doc. Nos. 12630-12632.

Notes (continued)

331/ This woman was also arrested, and was one of over 50 Serbian women held at the Mostar jail. She said that at the Mostar jail all of the women were treated correctly. Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9608-9610. The person who interviewed the witness noted that she said all the HOS members had been put in jail. This detail was not recorded in the published account. Dinah Pokempner, Field Notes, October 1992, IHRLI Doc. Nos. 35311-35312.

332/ The witness calls this the old jail.

333/ Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II 344-345 (18 April 1993), IHRLI Doc. No. 9640.

334/ Yugoslav Mission, Submission to the United Nations Commission on Human Rights, U.N. Doc. E/CN.4/1993/86 (29 January 1993), IHRLI Doc. No. 12636.

335/ Home News, Tanjug News Agency, 8 September 1992, IHRLI Doc. No. 5334; Gojko Dogo, Crimes Committed by the Croatian and Muslim Armed Forces Against the Serb Civilian Population in the Municipality of Konjic, Bosnia-Herzegovina, April-July 1992, IHRLI Doc. Nos. 10344, 10347.

336/ Gojko Dogo, Crimes Committed by the Croatian and Muslim Armed Forces Against the Serb Civilian Population in the Municipality of Konjic, Bosnia-Herzegovina, April-July 1992, IHRLI Doc. Nos. 10344, 10347.

337/ The witness did not identify her own ethnicity.

338/ IHRLI videotape #62, transcript, IHRLI Doc. Nos. 52448-52449.

339/ United Nations, General Assembly and Security Council, Human Rights Questions: Human Rights Situations and Reports of the Special Rapporteurs and Representatives, U.N. Doc. A/47/666, S/24809 (17 November 1992), IHRLI Doc. No. 1502; United Nations, Economic and Social Council, Situations of Human Rights in the Territory of the Former Yugoslavia, U.N. Doc. E/CN.4/1993/50 (10 February 1993), IHRLI Doc. No. 18767; United Kingdom, Defence Debriefing Team, Special Report: Concentration Camps and Other Places of Detention in the Former Republic of Yugoslavia, IHRLI Doc. No. 43018.

340/ United Nations, General Assembly and Security Council, Human Rights Questions: Human Rights Situations and Reports of the Special Rapporteurs and Representatives, U.N. Doc. A/47/666, S/24809 (17 November 1992), IHRLI Doc. No. 1502.

341/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 1474 through 1477.

342/ Croatia, Division of Information, Ministry of Health, Submission to the United Nations Secretary General (7 January 1993), IHRLI Doc. Nos. 5133-5134.

Notes (continued)

343/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 1509 through 1527.

344/ Statement on [victim], Department of Obstetrics and Gynaecology, School of Medicine, University of Novi Sad, 23 November 1992, No. 07-S1, IHRLI Doc. No. 5113.

345/ Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II (18 April 1993), IHRLI Doc. Nos. 9506-9512; Jeri Laber, "Bosnia: Questions About Rape", The New York Review of Books, 25 March 1993, IHRLI Doc. No. 19913 (based on testimonies gathered by Helsinki Watch and the Women's Rights Project); Kitty McKinsey, "The Bestiality of War", Southam News, 24 January 1993, at B3, IHRLI Doc. Nos. 35599-35602.

346/ Croatia, Division of Information, Ministry of Health, IHRLI Doc. No. 39588A.

347/ Yugoslav Mission, Submission to the United Nations Commission of Experts (2 July 1993), IHRLI Doc. No. 28565.

348/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 1530 through 2255.

349/ This background information comes from George Rodrigue, "Serbs Systematic in Ridding Region of Muslims, Many Say: Bosnia Corridor Considered Crucial to 'Republic'," Dallas Morning News, 27 December, 1992, at 1A.

350/ Croatian Information Center, Witness Statement jad15ea, IHRLI Doc. Nos. 39235-39236 (reporting that one woman had been raped).

351/ Croatian Information Center, Weekly Bulletin #10, 11 October 1992, IHRLI Doc. No. 43727; Croatian Information Center, Witness Statement luka5ea, IHRLI Doc. Nos. 11658-11661; Genocide and Ethnic Cleansing in Northwest Bosnia (Croatian Information Centre, Ante Beljo ed., 1993), IHRLI Doc. Nos. 39935-39936; Croatian Information Centre, Witness Statement luka19ea, IHRLI Doc. Nos. 14589-14601 (stating that an identified woman was found dead after being raped; parts of her body, including her breasts, had been bitten off).

352/ Croatian Information Centre, Witness Statement luka16ea, IHRLI Doc. No. 39229 (stating that the village was attacked 23 July and one woman was raped); Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II 168 (18 April 1993), IHRLI Doc. Nos. 9458-9459 (alleging that a woman was raped).

353/ Croatian Information Centre, Witness Statement, IHRLI Doc. No. 35749 (reporting that two women were raped).

354/ Unspecified Interview by Physicians for Human Rights, IHRLI Doc. No. 39407A (stating that in August one woman was raped in the village).

355/ Croatian Information Center, Witness Statement and4ea, IHRLI Doc. No. 14616 (stating that all the younger women and girls in the village were raped).

Notes (continued)

356/ Bill Frelick, Voices from the Whirlwind, IHRLI Doc. Nos. 21609-21617; Report of Crimes Committed Against Humanity and, International Law and of Concentration Camps Formed by the Aggressor in Bosnia and Hercegovina (August 1992), IHRLI Doc. No. 3319; Stephen Engleberg, "Bosnians Provide Accounts of Abuse in Serb Camps", N . Times, 4 August 1992, IHRLI Doc. No. 8503 (alleging that one woman was raped in her home); Austrian Mission, Submission to the United Nations Commission of Experts (11 February 1992), IHRLI Doc. Nos. 12313-12315; BiH, War Crimes Against Civilian Population, Case 743/92 (29 December 1992), IHRLI Doc. No. 13128 (alleging that five 13 year old girls were raped); Lee Yanowitch, "French Charity Has Evidence of New Serb Camps", Reuter Library Report, 8 December 1992, BC Cycle, IHRLI Doc. No. 35579.

357/ Austrian Mission, Submission to the United Nations Commission of Experts, (11 February 1993), IHRLI Doc. Nos. 12315-12316 (stating that one 14 year old girl was raped).

358/ Croatian Information Center, Weekly Bulletin No. 12, 25 October 1993, IHRLI Doc. No. 8549 (reporting that a witness saw 15 women raped and stated that most women in the village had been raped); Genocide and Ethnic Cleansing in Northwest Bosnia (Croatian Information Center, Ante Beljo ed., 1993), IHRLI Doc. No. 39926.

359/ Canada, Report #2, U.N. Doc. S/26016 (30 June 1993), IHRLI Doc. No. 26668; Croatian Information Centre, Bulletin No. 4, IHRLI Doc. No. 34960 (reporting that an identified man bragged he had raped many women and girls); Croatian Information Centre, War Crimes Against Civilians, Case 14, Weekly Bulletin No. 3, 23 August 1993, at 2, IHRLI Doc. No. 32272A8 (same); Croatian Information Centre, Witness Statement lukalea, IHRLI Doc. Nos. 11680-11683 (same); United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-263, IHRLI Doc. Nos. 57184-57187; Croatian Information Centre, Witness Statement luka17ea, IHRLI Doc. Nos. 39202A-39204A; Croatian Information Centre, Witness Statement luka14ea, IHRLI Doc. No. 39227 (stating that in July, Serbs attacked the villages in Prijedor and raped women); United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56352-56354 (stating that girls as young as 7 were raped); BiH, Committee for Research on Genocide and War Crimes, IHRLI Doc. Nos. 6581-6583; Notes from Physicians for Human Rights, IHRLI Doc. No. 39266A.

360/ Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II 171-172 (18 April 1993), IHRLI Doc. Nos. 9461-9462 (asserting that one woman was raped in the village).

361/ Croatia, Department of Information, Ministry of Health, SIL-202, IHRLI Doc. Nos. 6592-6593, 4624 (asserting that three women were raped at home, one of them 16 years old); Bill Schiller, "Bosnians Recall Horror of Rape by Serb Troops", Toronto Star, 4 January 1993, at 1A, IHRLI Doc. Nos. 35586-35589; Slavenka Drakulić, "Rape After Rape After Rape," N.Y. Times, 13 December 1992, §4, at 17, IHRLI Doc. No. 35584; Tom Post, "A Pattern of Rape", Newsweek, 4 January 1993, at 32, IHRLI Doc. No. 8549 (stating that two women were raped).

362/ Croatian Information Centre, Statement of luka12ea, IHRLI Doc. No. 39219 (asserting that 100 women were raped in the village),

Notes (continued)

363/ BiH, War Crimes Against Civilian Population, Case 731/92 (29 December 1992), IHRLI Doc. No. 13127 (stating that on 15 June twenty girls were raped); United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56349-56351 (reporting that in August, three women visiting Trnopolje camp were raped and their bicycles were stolen); Unspecified Interview by Physicians for Human Rights, IHRLI Doc. No. 39393A (alleging that women were raped in their homes).

364/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-246, IHRLI Doc. Nos. 57137-57139.

365/ Croatia, Department of Information, Ministry of Health, IHRLI Doc. No. 39586A.

366/ Croatian Information Centre, IHRLI Doc. Nos. 14647-14658; Roy Gutman, "One by One", Newsday, 21 February 1993, at 5, IHRLI Doc. Nos. 7537-7538.

367/ Agence France Presse, IHRLI Doc. Nos. 35638-35640.

368/ The Riyasat, IHRLI Doc. No. 34882 (reporting on a 14 year old former prisoner at Omarska, who was pregnant as a result of rape); BiH, Rape as a War Crime Against Civil Population, Case 743/92 (29 December, 1992), IHRLI Doc. No. 13129.

369/ IHRLI videotape, #20, transcript, IHRLI Doc. No. 53010.

370/ Statement of 004JF, BiH v. Yugoslavia, IHRLI Doc. No. 16983-16993; United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-276, IHRLI Doc. Nos. 56649-56652.

371/ Croat Information Centre, IHRLI Doc. Nos. 14647-14658; Croat Information Centre, IHRLI Doc. Nos. 39963-39965; Roy Gutman, "One by One", Newsday, 21 February 1993, at 5, IHRLI Doc. Nos. 7537-7538; Agence France Presse, IHRLI Doc. Nos. 35638-35640 (stating that the youngest six died at the camp).

372/ Croat Information Centre, IHRLI Doc. Nos. 14647-14658.

373/ Id.

374/ Croat Information Centre, IHRLI Doc. No. 39924; Croat Information Centre, IHRLI Doc. Nos. 39963-39965; Helsinki Watch, IHRLI Doc. Nos. 9453-9455.

375/ This may be the first witness, based on the similarities in their statements. Roy Gutman, "One by One", Newsday, 21 February 1993, at 5, IHRLI Doc. Nos. 7537-7538.

376/ Agence France Presse, IHRLI Doc. Nos. 35638-35640; Roy Gutman, "One by One", Newsday, 21 February 1993, at 5, IHRLI Doc. Nos. 7537-7538.

Notes (continued)

377/ Croat Information Centre, jadl3ea, IHRLI Doc. No. 39224; Croatian Information Centre, IHRLI Doc. Nos. 39963-39965; 004JF, BiH v. Yugoslavia, IHRLI Doc. Nos. 16983-16993; Croatia, Department of Information, Ministry of Health, IHRLI Doc. No. 39579.

378/ Croat Information Centre, IHRLI Doc. No. 47014; Croatian Information Centre, IHRLI Doc. Nos. 14647-14658; 004JF, BiH v. Yugoslavia, IHRLI Doc. Nos. 16983-16993; Vlašić interview, 20 December 1993, IHRLI Doc. Nos. 44047-44055, 44060-44070; BiH, State Commission for War Crimes, IHRLI Doc. Nos. 26666-26668; Independent Television Network, IHRLI Doc. Nos. 16900-16901.

379/ Austria, Submission to the United Nations Security Council, IHRLI Doc. Nos. 18401-18404.

380/ Vlasic interview, 20 December 1993, IHRLI Doc. Nos. 44047-44055, 44060-44070; Dinah Pokempner, Helsinki Watch, Field Notes, IHRLI Doc. Nos. 32307-32309; May Battiata, "Former Prisoners Allege Wholesale Serb Atrocities", Washington Post, 6 October 1992, at A1, IHRLI Doc. No. 35546; Ian Traynor, "When I Awoke Early the Next Morning, I Realized I Couldn't Walk for Dead Bodies", The Guardian, 6 October 1992, at 20, IHRLI Doc. No. 35549.

381/ Tadić is currently in custody of the German government, which plans to prosecute him for war crimes.

382/ United States, Submission to the United Nations Security Council, IHRLI Doc. No. 17009.

383/ The Eyes of Bosnia, IHRLI videotape 99, transcript, IHRLI Doc. Nos. 52441-52442; Austria, Submission of Information to the United Nations Security Council, IHRLI Doc. No. 18456; Bill Frelick, Voices from the Whirlwind, IHRLI Doc. Nos. 21609-21617.

384/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-270, IHRLI Doc. Nos. 57207-57209 (placing the population between 3000 and 4000); Croatian Information Center, Witness Statement and7ea, IHRLI Doc. No. 14638 (stating that the camp had a population of about 3500). See also, United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56348-56348 (asserting that the population was between 4,000 and 5,000).

385/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-198, IHRLI Doc. Nos. 56955-56559 (placing the population at 9000 in early June).

386/ United States, Eighth Submission to the United Nations Security Council (16 June 1993), IHRLI Doc. No. 23457 (women were raped in the theater across from the school); Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II 182 (18 April 1993), IHRLI Doc. No. 9472 (reporting nightly flashlight searches during which more than one girl was taken and raped); United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56348-56348 (every night two to three females 12 and older were taken out and raped); Austria, Submission to the United Nations Commission of Experts (11 February 1993), IHRLI Doc. Nos.

Notes (continued)

12344, 12349; United States, Fifth Submission to the United Nations Security Council, U.N. Doc. S/25171 (26 January 1993), IHRLI Doc. No. 5847 (stating that a doctor kept logs of some women who were raped in the nightly sweeps of the camp); United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-198, IHRLI Doc. Nos. 56955-56959 (reporting that soldiers went through the camp nightly and raped women; seven women complained to the commander and were sent to a neuropsychiatrist in Prijedor and then to Travnik; one alleged perpetrator was jailed but released when drunk members of his unit threatened to open fire on the jail); Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II 183-184 (18 April 1993), IHRLI Doc. Nos. 9473-9474 (describing nightly searches and rapes); United States, Letter to the United Nations, IHRLI Doc. No. 94; United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-270, IHRLI Doc. Nos. 57207-57209 (alleging that there were nightly rapes); BiH, Testimony on Serb Killing of Civilians in Bosnia and Herzegovina Outside a Combat Context, IHRLI Doc. No. 40449 (describing regular rapes); Slovenia, Council of Human Rights, IHRLI Doc. Nos. 5194-5194A (stating that there were nightly rapes); Complaint, Jane Doe I and Jane Doe II v. Radovan Karadzic, cited in Bosnia and Herzegovina v. Yugoslavia (20 March 1993), IHRLI Doc. No. 17005 (alleging that six women were raped at Trnopolje); Bill Frelick, Voices from the Whirlwind, IHRLI Doc. No. 21619 (reporting one woman's testimony that inhabitants of the town of Trnopolje were not allowed to lock their doors; women in the town were subject to nightly rapes); Peter W. Galbraith & Michelle Maynard, The Ethnic Cleansing of Bosnia-Hercegovina (Staff Report to the Foreign Relations Committee, U.S. Senate, August 1992), IHRLI Doc. No. 36123 (describing nightly rapes); United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56815-56816 (a woman from the camp was forced to return to a certain house on a regular basis to be raped); Roy Gutman, "Bosnia Rape Horror", Newsday, 9 August 1992, at 5, IHRLI Doc. No. 7543 (reporting the allegations of a woman that she was raped on a truckbed, her attacker stated "that's what your people are doing to us", a companion was raped by 12 men, and the alleged rapists returned to the hall to get women to rape three times in one night); United States, Submission to the United Nations Security Council, U.N. Doc. S/24705, IHRLI Doc. No. 122 (reporting on Gutman's story); United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56814-56815 (alleging women were raped nightly); Croatian Information Centre, Bulletin #2 (February 1993), IHRLI Doc. Nos. 13313-13314 (reporting that one night twenty one girls were raped, one of them 13 years old); Canada, Submission to the United Nations, IHRLI Doc. Nos. 33836-33837 (same); United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-261, IHRLI Doc. Nos. 57175-57179 (asserting there were frequent rapes at the camp); Bill Schiller, "Bosnian Recall Horror of Rape by Serb Troops", Toronto Star, 4 January 1993, at A1, IHRLI Doc. Nos. 35586-35589 (alleging that there were nightly rapes); United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56432-56439 (stating that one night women were raped by a tank unit from Omarska); Croatian Information Centre, Witness Statement luka13ea, IHRLI Doc. No. 39221 (describing nightly rapes); Statement of [victim], IHRLI Doc. Nos. 6588-6591, 39314-39316 (reporting that six women were raped one night, one of whom was raped by eight men); United States, Submission to the United Nations Security Council (March 1993), IHRLI Doc. Nos. 11897-11898 (same); Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II 182-183 (18 April 1993), IHRLI Doc. Nos. 9472-9473 (alleging rape occurred nightly); Croatian Information Centre, Witness Statement and7ea, IHRLI Doc. No. 14638; Zlata Phillips & Forman Phillips, War

Notes (continued)

Experiences of Children from Bosnia/Herzegovina (29 January 1993), IHRLI Doc. Nos. 6700-6707; Bill Frelick, *Voices from the Whirlwind*, IHRLI Doc. Nos. 21614-21617 (reporting a witness' testimony that 1,800 people were held in the school, and women were raped nightly); An official source, IHRLI Doc. Nos. 12941, 12944; Unspecified Source, IHRLI Doc. No. 12941; United States State Department, *Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276*, IHRLI Doc. No. 62707; Dinah Pokempner, Field notes, IHRLI Doc. Nos. 35301-35302 (alleging that women were forced to undress in front of other prisoners and then raped daily) at the confiscated house of a Muslim Imam, Dinah Pokempner, Field notes, IHRLI Doc. Nos. 35320-35321; United Kingdom, Defence Debriefing Team, *Summary No. 24*, IHRLI Doc. No. 43282; *Dispatches: A Town Called Kozarac*, IHRLI tape 15, transcript, IHRLI Doc. Nos. 32247, 52963 (alleging that girls as young as 12 were raped as were older women); *Bosnia-the Untold Story*, IHRLI tape 14, IHRLI Doc. No. 52923 (stating that 13 year olds were raped); *A Town Called Kozarac*, IHRLI tape 106, transcript, IHRLI Doc. No. 52980; Dinah Pokempner, Field notes, IHRLI Doc. Nos. 32309-32313 (reporting that tank drivers raped about fifty women); *Bosnia-The Hidden Horrors*, IHRLI Tape 2, transcript, IHRLI Doc. No. 52793; United States State Department, *Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276*, IHRLI Doc. Nos. 56355-56361; George Rodrigue, "Article", *Dallas Morning News*, 11 November 1992, IHRLI Doc. Nos. 39337A-39342A; Dele Olojede, "Bosnia Probe Sought", *Newsday*, 24 September 1992, at 7, IHRLI Doc. No. 35537; An official source, IHRLI Doc. No. 12944 (alleging that all the girls under 15 were raped); BiH, Commission for Collecting Facts on War Crimes, Case 734/92, IHRLI Doc. No. 31934; Unspecified source, IHRLI Doc. Nos. 14450-14451; Helsinki Watch, *War Crimes in Bosnia-Hercegovina Volume II* 185 (18 April 1993), IHRLI Doc. No. 9475 (reporting the rape of a 12 year old girl); Helsinki Watch, *War Crimes in Bosnia-Hercegovina Volume II* 184 (18 April 1993), IHRLI Doc. No. 9474 (a six or seven month pregnant woman was raped); ABC News, "Bosnia: The Hidden Horrors", Part II, Transcript #2993, *Nightline*, Air Date 11 November 1992, IHRLI Doc. Nos. 8498-8499; An official source, IHRLI Doc. No. 11400 (alleging that nearly all the young women and all the girls under 15 had been raped); Trešnjevka, *A List of Rape/Death Camps in Bosnia-Hercegovina* (28 September 1992), IHRLI Doc. Nos. 6599-6600 (stating that women were raped in small houses near the camp); Austria, *Submission to the United Nations Commission of Experts*, 11 February 1992, IHRLI Doc. Nos. 12344, 12347; *"Ethnic Cleansing" Genocide for Greater Serbia* (Tilman Zulch ed., undated), IHRLI Doc. No. 14450; Genocide, *Ethnic Cleansing in Northwest Bosnia* (Croatian Information Centre, Ante Beljo ed., 1993), IHRLI Doc. No. 39930.

387/ Statement V, *Genocide, Ethnic Cleansing in Northwest Bosnia* (Croatian Information Center, Ante Beljo ed., 1993), IHRLI Doc. Nos. 39929-39930.

388/ Stephen Engleberg, "Refugees from Camp tell of Agony and Terror", *N.Y. Times*, 7 August 1992, at 8A, IHRLI Doc. No. 8519; Helsinki Watch, *War Crimes in Bosnia-Hercegovina Volume II* (18 April 1993), IHRLI Doc. No. 9476 (citing Engleberg).

389/ Croatian Information Centre, *Statement of [witness]*, IHRLI Doc. No. 36245; Croatian Information Centre, *Witness Statement and2ea*, IHRLI Doc. Nos. 14619-14623.

Notes (continued)

390/ Agencija Sfinga, Ljubljana, The Eyes of Bosnia, IHRLI tape 99, transcript, IHRLI Doc. No. 52442; Croatian Information Centre, Witness Statement elezl, IHRLI Doc. Nos. 11667-11673.

391/ Agencija Sfinga, Ljubljana, The Eyes of Bosnia, IHRLI tape 99, transcript, IHRLI Doc. No. 52442.

392/ Helsinki Watch, War Crimes in Bosnia-Hercegovina Volume II 165-168 (18 April 1993), IHRLI Doc. Nos. 9455-9458.

393/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56367-56373.

394/ Republic of Slovenia, Council of Human Rights, September 1992, IHRLI Doc. No. 143g; Republic of Slovenia, Council of Human Rights, IHRLI Doc. Nos. 47806, 47817; Germany, Submission to the United Nations Commission of Experts, IHRLI Doc. Nos. 5193-5193A.

395/ An official source, IHRLI Doc. Nos. 12932-12934.

396/ Genocide, Ethnic Cleansing in Northwest Bosnia (Croatian Information Centre, Ante Beljo ed., 1993), IHRLI Doc. Nos. 39926, 39940-39944, 39955.

397/ ECMM, Testimony of [victim], IHRLI Doc. Nos. 19017-19018.

398/ Trešnjevka, A List of Rape/Death Camps in Bosnia-Hercegovina, IHRLI Doc. Nos. 6599-6600.

399/ French Mission, Submission to the United Nations Security Council, U.N. Doc. S/24768 (5 November 1992), IHRLI Doc. Nos. 1331-1332.

400/ BiH, State Commission on War Crimes, Statement of [witness], IHRLI Doc. No. 8545.

401/ See Zlata Phillips & Forman Phillips, War Experiences of Children from Bosnia/Herzegovina, 29 January 1993, IHRLI Doc. Nos. 6700-6707; German Mission, Submission to the United Nations, IHRLI Doc. No. 5194; Agencija Sfinga, Ljubljana, The Eyes of Bosnia, IHRLI tape 99, transcript, IHRLI Doc. No. 52446 (describing the rape of the witness and rapes she witnessed, including the rape and murder of a seven year old girl); United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. No. 62707 (stating that fifteen girls were raped at a camp); BiH, Commission for the Protection of Human Freedoms and Rights, IHRLI Doc. No. 26695; Croatia, Submission to the United Nations, U.N. Doc. S/25082 (7 January 1993), IHRLI Doc. Nos. 5133-5134.

402/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 2276 through 2328.

403/ This background information comes from John Pomfret, "Crisis in Bosnia," Houston Chronicle, 7 May 1993, at A18, and from Kurt Schork, "Bosnian Women Tell of Gang Rapes by Serbs", The Reuter Library Report, 9 August 1992,

Notes (continued)

BC Cycle.

404/ BiH, Rape as a War Crime Against Civil Population (29 December, 1992), Case 374/92, IHRLI Doc. Nos. 29220-29223; United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56414-56416; BiH, "Testimony of N.N., a 16 year old Muslim, resident of Rogatica", Bulletin No. 1--Facts on War Crimes (October 1992), IHRLI Doc. No. 3096.

405/ BiH, Rape as a War Crime Against Civil Population, Case no. 374/92 (29 December 1992), IHRLI Doc. Nos. 29220-29223.

406/ BiH Ministry of Internal Affairs, Report of Crimes Committed Against Humanity and the International Law and of Concentration Camps Formed by the Aggressor in Bosnia and Herzegovina (August 1992), IHRLI Doc. Nos. 3316-3317.

407/ BiH, "N.N., a female from Rogatica", Bulletin No. 1--Facts on War Crimes, IHRLI Doc. Nos. 3092-3093, 3096, 3064; United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56414-56416; BiH, Rape as a War Crime Against Civil Population, Case 565/92 (29 December 1992), IHRLI Doc. Nos. 29169-27176; BiH, Rape as a War Crime Against Civil Population, Case 564/92 (29 December 1992), IHRLI Doc. No. 29185; BiH, Rape as a War Crime Against Civil Population, Case 343/92 (29 December 1992), IHRLI Doc. Nos. 29225-29227; BiH, Rape as a War Crime Against Civil Population, Case 374/92 (29 December 1992), IHRLI Doc. Nos. 29220-29223; BiH, Rape as a War Crime Against Civil Population, Case 372/92 (29 December 1992), IHRLI Doc. Nos. 29218-29219; BiH, Rape as a War Crime Against Civil Population, Case 561/92 (29 December 1992), IHRLI Doc. Nos. 33853-33854, 32095-32096; United Nations Centre for Human Rights, 19 November 1992, IHRLI Doc. Nos. 5502-5503.

408/ United States State Department, Submission to the Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56414-56416; BiH, Rape as a War Crime Against Civil Population, Case 522/92 (29 December 1992), IHRLI Doc. Nos. 13129, 13137; BiH, Rape as a War Crime Against Civil Population, Case 565/92 (29 December 1992), IHRLI Doc. Nos. 29169-27176; BiH, Rape as a War Crime Against Civil Population (29 December 1992), IHRLI Doc. Nos. 13130, 13138; BiH, Rape as a War Crime Against Civil Population, Case 564/92 (29 December 1992), IHRLI Doc. No. 29185; BiH, Rape as a War Crime Against Civil Population, Case 343/92 (29 December 1992), IHRLI Doc. Nos. 29225-29227; BiH, Rape as a War Crime Against Civil Population, Case 374/92 (29 December, 1992), IHRLI Doc. Nos. 29220-29223; BiH, Rape as a War Crime Against Civil Population, Case 326/92 (29 December 1992), IHRLI Doc. Nos. 32053-32054; BiH, Rape as a War Crime Against Civil Population, Case 743/92 (29 December 1992), IHRLI Doc. No. 13129; BiH Ministry of Internal Affairs, Report of Crimes Committed Against Humanity and the International Law and of Concentration Camps Formed by the Aggressor in Bosnia and Herzegovina (August 1992) IHRLI Doc. Nos. 3316-3317; BiH, Bulletin No. 1--Facts on War Crimes, IHRLI Doc. Nos. 3092-3093; The Riyasat, 28 September 1992, IHRLI Doc. No. 34882.

409/ BiH, Rape as a War Crime Against Civil Population, Case 372/92 (29 December 1992), IHRLI Doc. Nos. 29218-29219. The reports suggest further that Veljko Vlahović may have been a parochial school or near a religious institution. A few of the reports state that girls and women were taken to the church complex, chapel, priory, or ecumenical center. United States State

Notes (continued)

Department, Submission to the Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56414-56416.

410/ United States State Department, Submission to the Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56414-56416; BiH, Rape as a War Crime Against Civil Population, Case 565/92 (29 December 1992), IHRLI Doc. Nos. 29169-27176; BiH, Rape as a War Crime Against Civil Population, (29 December 1992), IHRLI Doc. Nos. 13130, 13138; BiH, Rape as a War Crime Against Civil Population, Case 343/92 (29 December 1992), IHRLI Doc. Nos. 29225-29227; BiH, Rape as a War Crime Against Civil Population, Case 372/92 (29 December 1992), IHRLI Doc. Nos. 29218-29219); BiH, Rape as a War Crime Against Civil Population, Case 561/92 (29 December 1992), IHRLI Doc. Nos. 33853-33854, 32095-32096); BiH, Rape as a War Crime Against Civil Population, Case 376/92 (29 December 1992), IHRLI Doc. Nos. 13126; BiH, Rape as a War Crime Against Civil Population, Case 326/92 (29 December 1992), IHRLI Doc. Nos. 32053-32054; BiH, Rape as a War Crime Against Civil Population, Case 335/92 (29 December 1992), IHRLI Doc. Nos. 13126; BiH, Rape as a War Crime Against Civil Population, Case 537/92 (29 December 1992), IHRLI Doc. Nos. 29217, 33852; BiH, Rape as a War Crime Against Civil Population, Case 743/92 (29 December 1992), IHRLI Doc. Nos. 13129; BiH Ministry of Internal Affairs, Report of Crimes Committed Against Humanity and the International Law and of Concentration Camps Formed by the Aggressor in Bosnia and Herzegovina (August 1992), IHRLI Doc. Nos. 3316-3317; BiH, Bulletin No. 1--Facts on War Crimes (October 1992), IHRLI Doc. Nos. 3092-3093; The Rivasat, 28 September 1992, IHRLI Doc. No. 34882.

411/ BiH, Rape as a War Crime Against Civil Population, Case 565/92 (29 December 1992), IHRLI Doc. Nos. 29169-27176.

412/ Id.; Rape as a War Crime Against Civil Population, Case (29 December 1992), IHRLI Doc. Nos. 13130, 13138.

413/ BiH, Rape as a War Crime Against Civil Population, Case 374/92 (29 December 1992), IHRLI Doc. Nos. 374/92, 29220-29223.

414/ BiH, Rape as a War Crime Against Civil Population, Case 565/92 (29 December 1992), IHRLI Doc. Nos. 29169-27176.

415/ United States State Department, Submission to the Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56414-56416; BiH, Rape as a War Crime Against Civil Population, Case 522/92 (29 December 1992), IHRLI Doc. Nos. 13129, 13137; United Nations Center for Human Rights, 19 November 1992, IHRLI Doc. Nos. 5502-5503.

416/ BiH, Rape as a War Crime Against Civil Population, Case 565/92 (29 December 1992), IHRLI Doc. Nos. 29169-27176; BiH, Rape as a War Crime Against Civil Population, Case 522/92 (29 December 1992), IHRLI Doc. Nos. 13129, 13137.

417/ BiH, Rape as a War Crime Against Civil Population, Case 395/92 (29 December 1992), IHRLI Doc. Nos. 13130, 13138; BiH, Rape as a War Crime Against Civil Population, Case 375/92 (29 December 1992), IHRLI Doc. No. 13126; BiH, Rape as a War Crime Against Civil Population, Case 1124/92 (29 December 1992), IHRLI Doc. Nos. 13131, 13139; BiH, Rape as a War Crime Against Civil Population, Case 1130/92 (29 December 1992), IHRLI Doc. Nos. 13135, 13137;

Notes (continued)

BiH, Rape as a War Crime Against Civil Population, Case 522/92, (29 December 1992), IHRLI Doc. Nos. 13129, 13137); BiH, Rape as a War Crime Against Civil Population, Case 565/92 IHRLI Doc. Nos. 29169-27176; BiH, Rape as a War Crime Against Civil Population (29 December 1992) IHRLI Doc. Nos. 13130, 13138; BiH, Rape as a War Crime Against Civil Population, Case 564/92 (29 December 1992), IHRLI Doc. No. 29185; BiH, Rape as a War Crime Against Civil Population, Case 343/92 (29 December 1992), IHRLI Doc. Nos. 29225-29227; BiH, Rape as a War Crime Against Civil Population, Case 374/92 (29 December 1992), IHRLI Doc. Nos. 29220-29223; BiH, Rape as a War Crime Against Civil Population, Case 372/92 (29 December 1992), IHRLI Doc. Nos. 29218-29219; BiH, Rape as a War Crime Against Civil Population, Case 561/92 (29 December 1992), IHRLI Doc. Nos. 33853-33854, 32095-32096; BiH, Rape as a War Crime Against Civil Population, Case 376/92, (29 December 1992), IHRLI Doc. No. 13126; BiH, Rape as a War Crime Against Civil Population, Case 326/92 (29 December 1992), IHRLI Doc. Nos. 32053-32054, BiH, Rape as a War Crime Against Civil Population, Case 335/92 (29 December 1992), IHRLI Doc. No. 13126.

418/ BiH, Bulletin No. 1--Facts On War Crimes, IHRLI Doc. No. 3096; BiH, State Commission on War Crimes, IHRLI Doc. Nos. 29195-29199.

419/ BiH, Testimony of N.N., a 16 year old Muslim, Bulletin No. 1--Facts on War Crimes (October 1992), IHRLI Doc. Nos. 3092-3093.

420/ BiH, State Commission for War Crimes, IHRLI doc. Nos. 29195-29199.

421/ BiH, Rape as a War Crime Against Civil Population, Case 372/92 (29 December 1992), IHRLI Doc. Nos. 29218-29219; BiH, Bulletin No. 1--Facts On War Crimes (October 1992), IHRLI Doc. No. 3064.

422/ BiH, Rape as a War Crime Against Civil Population, Case 374/92 (29 December 1992), IHRLI Doc. Nos. 29220-29223; BiH, Rape as a War Crime Against Civil Population, Case 564/92 (29 December 1992), IHRLI Doc. No. 29185.

423/ BiH, Bulletin No. 1--Facts On War Crimes (October 1992), IHRLI Doc. No. 3064); BiH, Commission for the Protection of Human Freedoms and Rights.

424/ BiH, Rape as a War Crime Against Civil Population, Case 537/92 (29 December 1992), IHRLI Doc. Ncs. 29217, 33852.

425/ Croatian Mission, Submission to the United Nations Security Council, U.N. Doc. S/25082 (7 January 1993), IHRLI Doc. Nos. 5133-5134.

426/ BiH, Rape as a War Crime Against Civil Population, Case 565/92 (29 December 1992), IHRLI Doc. Nos. 29169-27176, 13130, 13138; BiH, Commission for the Protection of Human Freedoms and Rights.

427/ BiH, Rape as a War Crime Against Civil Population, Case 565/92 (29 December 1992), IHRLI Doc. Nos. 29169-27176, 13130, 13138.

428/ BiH, Rape as a War Crime Against Civil Population (29 December 1992), IHRLI Doc. Nos. 29195-29199.

Notes (continued)

429/ BiH, Rape as a War Crime Against Civil Population, Case 565/92 (29 December 1992), IHRLI Doc. Nos. 29169-27176, 13130, 13138; BiH, Rape as a War Crime Against Civil Population, Case 564/92 (29 December 1992), IHRLI Doc. No. 29185; BiH, Rape as a War Crime Against Civil Population, Case 743/92 (29 December 1992), IHRLI Doc. No. 13129.

430/ BiH, Rape as a War Crime Against Civil Population, Case 343/92 (29 December 1992), IHRLI Doc. Nos. 29225-29227; BiH, Commission for the Protection of Human Freedoms and Rights.

431/ BiH, "Testimony of N.N., a Muslim female resident of Rogatica," Bulletin No. 1--Facts On War Crimes (October 1992), IHRLI Doc. No. 3096; BiH, Rape as a War Crime Against Civil Population (29 December 1992), IHRLI Doc. Nos. 29195-29199.

432/ BiH, Rape as a War Crime Against Civil Population, Case 565/92 (29 December 1992), IHRLI Doc. Nos. 29169-27176, 13130, 13138.

433/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 2336 through 2377.

434/ French Mission, Submission to the United Nations Security Council, U.N. Doc. S/24768 (5 November 1992), IHRLI Doc. Nos. 1331-1332.

435/ Trešnjevka, A List of Rape/Death Camps in Bosnia-Hercegovina (28 September 1992), IHRLI Doc. Nos. 6599-6600.

436/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 2378 through 2521.

437/ Rebecca Buffum Taylor, Sarajevo: A Portrait of the Siege (1994).

438/ BiH, Rape as a War Crime Against Civil Population Case 337/92 (29 December 1992), IHRLI Doc. No. 13127.

439/ Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, Third Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia (26 August 1993), IHRLI Doc. Nos. 11524-11643; Roy Gutman, "Bosnia Betrayed", Newsday, 1 November 1993, IHRLI Doc. No. 43925.

440/ Vesna Hadživuković et al., Chronicle of an Announced Death 58 (1993), IHRLI Doc. No. 37529.

441/ Id.

442/ Nikola Marinović, Stories From Hell (1993), IHRLI Doc. No. 21045.

443/ United States Mission, Sixth Submission to the United Nations Security Council (1 March 1993), IHRLI Doc. Nos. 11896-11897.

444/ Id.

Notes (continued)

445/ Some reports do not provide enough information to determine the ethnicity or nationality of those who operated them. These facilities include the "Bjelaven" dormitory, the former premises of the Djordjević firm in the Ciglane district, the Borsalino Cafe and the School of Civil Engineering. In each of these facilities, women of Serbian nationality were reportedly held and sexually abused. Brothels with Serb Women Established by Muslim and Croatian Forces, Yugoslav Mission, Submission to the United Nations Security Council, Pursuant To Paragraph 5, Resolution 771 (1992) (18 December 1992), IHRLI Doc. No. 4800.

446/ Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, Third Periodic Report on the situation of Human Rights in the Territory of the Former Yugoslavia (26 August 1993), IHRLI Doc. Nos. 11521-11643.

447/ United Kingdom, Defence Debriefing Team, Summary of Atrocities Information, IHRLI Doc. No. 43306; Yugoslav Mission, Submission to the United Nations Commission Of Experts (2 July 1993), IHRLI Doc. No. 28587.

448/ Yugoslav Mission, "Brothels with Serb Women Established by Muslim and Croatian Forces", Submission to the United Nations Security Council, Pursuant to Paragraph 5, Resolution 771 (1992) (18 December, 1992), IHRLI Doc. No. 4800; Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, Third Periodic Report on the situation of Human Rights in the Territory of the Former Yugoslavia (26 August 1993), IHRLI Doc. Nos. 11521-11643.

449/ BiH, Rape as a War Crime Against Civil Population, Case 281/92 (29 December 1992), IHRLI Doc. Nos. 32022-32023.

450/ BiH, Commission for Human Freedoms and Rights, Aggression Against the Republic of Bosnia-Herzegovina (6 April 1993), IHRLI Doc. Nos. 26695-26696.

451/ BiH, Rape as a War Crime Against Civil Population, Case 287/92 (29 December 1992), IHRLI Doc. No. 31998.

452/ Also known as Sonja's Cafe, Kod Sonje, Motel Sonje, and Sonja's restaurant. Court TV, Trial of Boris Herak, transcript, IHRLI Doc. Nos. 16894-16895; United Kingdom, Defence Debriefing Team, Special Report: Concentration Camps and Other Places of Detention in the Former Republic of Yugoslavia, IHRLI Doc. No. 43022; Roy Gutman, "Bosnia Betrayed", Newsday, 1 November 1993, IHRLI Doc. Nos. 43925-43928.

453/ Yugoslav Mission, Submission to the United Nations Security Council, in Compliance of Paragraph 5 of Resolution 771 (1992) (18 December 1992).

454/ BiH, Rape as a War Crime Against Civil Population, Case 1911/93 (29 December 1992), IHRLI Doc. Nos. 29323-29324.

455/ BiH, Rape as a War Crime Against Civil Population, Case 1302/93 (29 December 1992), IHRLI Doc. Nos. 32042-32043.

Notes (continued)

456/ BiH, Rape as a War Crime Against Civil Population Case 337/92 (29 December 1992), IHRLI Doc. No. 13127.

457/ BiH, Rape as a War Crime Against Civil Population (29 December 1992), IHRLI Doc. Nos. 30173-30178.

458/ BiH, Rape as a War Crime Against Civil Population (19 December 1992), IHRLI Doc. Nos. 33845-33847, 13127, 13133, 32083-32084.

459/ Supplemental Report, at 830, cited in, Application Instituting Proceedings, Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Bosnia and Herzegovina v. Yugoslavia (20 March 1993), IHRLI Doc. No. 17005; United States Mission, Third Submission of the United States Government to the United Nations Security Council Resolution 771 (1992), U.N. Doc. S/24791 (10 November 1992), IHRLI Doc. No. 1354.

460/ United Kingdom, Defence Debriefing Team, Special Report: Concentration Camps and Other Places of Detention in the Former Republic of Yugoslavia, IHRLI Doc. No. 43014.

461/ BiH, Rape as a War Crime Against Civil Population, Case 1029/92 (29 December 1992), IHRLI Doc. Nos. 13130, 13138.

462/ BiH Commission for Human Freedoms and Rights, Aggression Against the Republic of Bosnia-Herzegovina (6 April 1993), IHRLI Doc. Nos. 26693-26701.

463/ BiH Commission for Human Freedoms and Rights, Aggression Against the Republic of Bosnia-Herzegovina (6 April 1993), IHRLI Doc. No. 26696.

464/ Id.

465/ Roy Gutman, "Bosnia Betrayed", Newsday, 1 November 1993, IHRLI Doc. Nos. 43925-43928.

466/ Id., IHRLI Doc. Nos. 43922-43924; "UN in Sarajevo Calls Brothel Report Disinformation", Reuters, 1 November 1993, IHRLI Doc. Nos. 43924-43928; "UN Troops Took Sexual Advantage of Muslim and Croat Women", Associated Press, 1 November 1993; Agence France Presse, IHRLI Doc. No. 43924.

467/ Roy Gutman, "Bosnia Betrayed", Newsday, 1 November 1993, IHRLI Doc. Nos. 43922-43924; "UN in Sarajevo Calls Brothel Report Disinformation", Reuters, 1 November 1993, IHRLI Doc. Nos. 43925-43928.

468/ BiH, Rape as a War Crime Against Civil Population, Case 743/92 (29 December 1992), IHRLI Doc. No. 13128; BiH, Bulletin No. 1--Facts on War Crimes (October 1992), IHRLI Doc. No. 26694; The Riyasat, 23 September 1992, IHRLI Doc. Nos. 34885-34886.

469/ BiH, Rape as a War Crime Against Civil Population, Case 889/92 (29 December 1992), IHRLI Doc. Nos. 13131, 13126-13132.

Notes (continued)

470/ BiH, Rape as a War Crime Against Civil Population, Case 43/92 (29 December 1992), IHRLI Doc. No. 13128; The Rivasat, 28 September 1992, IHRLI Doc. No. 34882.

471/ Petty Officer Second Class J. Ross and Master Corporal T. McComb, "Investigation Report", Rape Pilot Project, Bosnia-Hercegovina 1992-93 (Canadian Forces Military Police, 21 July 1993).

472/ BiH, Rape as a War Crime Against Civil Population, Case 281/92 (29 December 1992), IHRLI Doc. Nos. 32022-32023.

473/ Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, Third Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia (26 August 1993), IHRLI Doc. Nos. 11541-11542, 11555.

474/ Yugoslav Mission, "Brothels with Serb Women Established by Muslim and Croatian Forces", Submission to the United Nations Security Council, Pursuant to Paragraph 5, Resolution 771 (1992) (18 December 1992), IHRLI Doc. No. 4800.

475/ Id.

476/ United Kingdom, Defence Debriefing Team, Summary No. 21 of Atrocity Information, IHRLI Doc. No. 43271.

477/ Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, Third Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia (26 August 1993), IHRLI Doc. Nos. 11540, 11543-11545, 11548.

478/ Serbian Council Information Center, Rape and Sexual Abuse of Serb Women, Men and Children in Areas Controlled by Croatian and Muslim Armed Formations in Bosnia and Herzegovina and Croatia, 1991-1993, IHRLI Doc. Nos. 21133-21134.

479/ Yugoslav Mission, Submission to the United Nations Security Council, Pursuant to Paragraph 5, Resolution 771 (1992) (2 July 1993), IHRLI Doc. No. 28587.

480/ Id.

481/ Yugoslav Mission, "Brothels with Serb Women Established by Muslim and Croatian Forces", Submission to the United Nations Security Council, Pursuant to Paragraph 5, Resolution 771 (1992) (18 December 1992), IHRLI Doc. No. 4800.

482/ Id.

483/ Nikola Marinović, Stories From Hell (1993), IHRLI Doc. No. 21055.

484/ BiH, Rape as a War Crime Against Civil Population, Case 287/92 (29 December 1992), IHRLI Doc. No. 31998.

Notes (continued)

485/ Yugoslav Mission, "Brothels with Serb Women Established by Muslim and Croatian Forces", Submission to the United Nations Security Council, Pursuant to Paragraph 5, Resolution 771 (1992) (18 December 1992), IHRLI Doc. No. 4800.

486/ Id.

487/ United Kingdom, Defence Debriefing Team, Summary of Atrocities Information, IHRLI Doc. No. 43306.

488/ Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, Third Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia (26 August 1993), IHRLI Doc. No. 11546.

489/ BiH Commission for Human Freedoms and Rights, Aggression Against the Republic of Bosnia-Herzegovina (6 April 1993), IHRLI Doc. Nos. 26695-26696.

490/ French Mission, Submission to United Nations Security Council, U.N. Doc. No. S/24768 (5 November 1992), IHRLI Doc. Nos. 1331-1332.

491/ Yugoslav Mission, "Brothels with Serb Women Established by Muslim and Croatian Forces", Submission to the United Nations Security Council, Pursuant to Paragraph 5, Resolution 771 (1992) (18 December 1992), IHRLI Doc. No. 4800.

492/ United Kingdom, Defence Debriefing Team, Summary No. 21 of Atrocity Information, IHRLI Doc. No. 43271.

493/ BiH, Rape as a War Crime Against Civil Population, Case 287/92 (29 December 1992), IHRLI Doc. No. 31998.

494/ It was specifically located in the village of Urduk.

495/ Yugoslav Mission, "Brothels with Serb Women Established by Muslim and Croatian Forces", Submission to the United Nations Security Council, Pursuant to Paragraph 5, Resolution 771 (1992) (18 December 1992), IHRLI Doc. No. 4800.

496/ Id.

497/ Id.

498/ Id.

499/ Serbian Republic, Submission to the United Nations (5 October 1992), IHRLI Doc. Nos. 5106-5108.

500/ Yugoslav Mission "Deposition of [victim]", Submission to the United Nations Security Council Provided in Compliance With Paragraph 5 of Resolution 771 (1992) (18 December 1992), IHRLI Doc. No. 4793; Milena Drazic, "Might makes Right, Irrespective of God or Love", Borba, 20 December 1992, IHRLI Doc. Nos. 5074-5075.

Notes (continued)

501/ Tom Post, "A Pattern of Rape", Newsweek, 4 January 1993, at 34, IHRLI Doc. No. 8551.

502/ Court TV, Trial of Borislav Herak, transcript, IHRLI Doc. Nos. 16885-16895.

503/ N.Y. Times, 28 November 1992, IRHLI Doc. Nos. 8513-8514.

504/ Court TV, Trial of Borislav Herak, transcript, IHRLI Doc. Nos. 16885-16895.

505/ BiH, State Commission for War Crimes, Testimony of Borislav Herak, IHRLI Doc. Nos. 33343-33351, 33364, 33365, 33366.

506/ Roy Gutman, "Bosnia Betrayed", Newsday, 1 November 1993, IHRLI Doc. Nos. 43925-43928.

507/ BiH, State Commission for War Crimes, IHRLI Doc. Nos. 30173-30178.

508/ Id.

509/ Id.

510/ Roy Gutman, "Bosnia Betrayed", Newsday, 1 November 1993, IHRLI Doc. Nos. 43925-43928.

511/ Id.

512/ BiH, State Commission for War Crimes, Testimony of Borislav Herak IHRLI Doc. No. 33366.

513/ Roy Gutman, "Bosnia Betrayed", Newsday, 1 November 1993, IHRLI Doc. Nos. 43925-43928.

514/ Agence France Presse, IHRLI Doc. No. 43924.

515/ Roy Gutman, "Bosnia Betrayed", Newsday, 1 November 1993, IHRLI Doc. Nos. 43925-43928.

516/ "UN in Sarajevo Calls Brothel Report Disinformation", Reuters, 1 November 1993, IHRLI Doc. No. 43922.

517/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 2522 through 2526.

518/ French Mission, Submission to the United Nations Security Council, U.N. Doc. S/24768 (5 November 1992), IHRLI Doc. Nos. 1331-1332; Croatian Mission, Submission to the United Nations Security Council, U.N. Doc. S/25082 (7 January 1993), IHRLI Doc. Nos. 5133-5134; "Sexual Crimes of the Aggressor", Bulletin No. 1--Facts on War Crimes (October 1992), IHRLI Doc. No. 3062.

Notes (continued)

519/ BiH Commission for Human Freedoms and Rights, Aggression Against the Republic of Bosnia-Herzegovina (6 April 1993), IHRLI Doc. No. 26697.

520/ This perpetrator also participated in the rape of forty young Bosnian Muslim women in Caparde, Zvornik. See infra the section of the study on Zvornik for more details.

521/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56455-56457.

522/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 2534 through 2542.

523/ Tom Post, "A Pattern of Rape", Newsweek, 4 January 1993, at 35, IHRLI Doc. No. 8552.

524/ BiH, Rape as a War Crime Against Civil Population, Case 1035/92 (29 December 1992), IHRLI Doc. Nos. 29232-29235.

525/ The school also held 400-500 Muslim men. BiH, Rape as a War Crime Against Civil Population, Case 1035/92 (29 December 1992), IHRLI Doc. Nos. 29232-29235.

526/ BiH, Rape as a War Crime Against Civil Population, Case 1035/92 (29 December 1992), IHRLI Doc. Nos. 29232-29235.

527/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 2543 through 2545.

528/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-185, IHRLI Doc. Nos. 56908-56910.

529/ Findings and Opinion of Specialist on the 6 June 1992 rape and murder of [victim] in Zalazje, IHRLI Doc. Nos. 5119-5120, 11759-11760.

530/ BiH, State Commission for War Crimes, IHRLI Doc. No. 3079; Phillipe Koulischer, Deuxieme Livre Noir de la Purification Ethnique (1992), IHRLI Doc. Nos. 6030-6034.

531/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 2550 through 2554.

532/ Tom Squitieri, "Weapons in Bosnia: Rape, Degradation", USA Today, 10 August 1992, at 1, cited in Application Instituting Proceedings, Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Bosnia and Herzegovina v. Yugoslavia (20 March 1993), IHRLI Doc. No. 17011. Squitieri spoke to the witness in a hospital in Zagreb.

Notes (continued)

533/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 2555 through 2575.

534/ Genocide, Ethnic Cleansing in Northwestern Bosnia Genocide, Ethnic Cleansing in Northwestern Bosnia (Croatian Information Centre, Ante Beljo ed., 1993), IHRLI Doc. No. 39979.

535/ United States Mission, Sixth Submission of Information to the UN Security Council in Accordance with Paragraph 5 of Resolution 771 (1992) and Paragraph 1 of Resolution 771 (1992) (1 March 1993), IHRLI Doc. Nos. 11898-11899.

536/ Trešnjevka, A List of Rape/Death Camps in Bosnia-Hercegovina (28 September 1992), IHRLI Doc. Nos. 6599-6600.

537/ United States Mission, Sixth Submission of Information to the UN Security Council in Accordance with Paragraph 5 of Resolution 771 (1992) and Paragraph 1 of Resolution 771 (1992) (1 March 1993), IHRLI Doc. Nos. 11898-11899; Statement of [victim], Committee for Research on Genocide and War Crimes in Bosnia-Hercegovina, IHRLI Doc. Nos. 6594-6595; Amnesty International, Bosnia-Herzegovina: Rape and Sexual Abuse by Armed Forces (January 1993), IHRLI Doc. Nos. 5513, 5525. Cf., Genocide, Ethnic Cleansing in Northwestern Bosnia (Croatian Information Centre, Ante Beljo ed., 1993), IHRLI Doc. No. 39979 (stating that the buildings looked new, built out of brick); Government of Croatia, Submission to the United Nations Security Council, U.N. Doc. S/25094 (12 January 1993), IHRLI Doc. Nos. 4668-4669 (stating that the rooms were dug out of the ground like mining areas or spaces).

538/ Amnesty International, Bosnia-Herzegovina: Rape and Sexual Abuse by Armed Forces (January 1993), IHRLI Doc. Nos. 5513, 5525 (100 women were unloaded from the witness' village); Croatia, Submission to the United Nations Security Council, U.N. Doc. S/25094 (12 January 1993), IHRLI Doc. Nos. 4668-4669 (stating that one hundred women were kept in one large space).

539/ Statement of [victim], Committee for Research on Genocide and War Crimes in Bosnia-Herzegovina, IHRLI Doc. Nos. 6594-6595; Trešnjevka, A List of Rape/Death Camps in Bosnia-Hercegovina (28 September 1992), IHRLI Doc. Nos. 6599-6600; Testimony of unnamed women from Kaloševići, near Teslić, 24 August 1992, IHRLI Doc. No. 39312-39313.

540/ United States Mission, Supplemental Submission of Information to the UN Security Council in Accordance with Paragraph 5 of Resolution 771 (1992) and Paragraph 1 of Resolution 771 (1992) (1 March 1993), IHRLI Doc. Nos. 11898-11899.

541/ Handwritten Testimony, IHRLI Doc. No. 54459.

542/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 2576 through 2582.

543/ Ministry of Internal Affairs, BiH, Report of Crimes Against Humanity, August 1992, IHRLI Doc. No. 3318.

Notes (continued)

544/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 2583 through 2606.

545/ BiH, Rape as a War Crime Against Civil Population, case 743/92 (29 December 1992), IHRLI Doc. No. 13129; BiH, Commission for Human Freedoms and Rights, Aggression Against the Republic of Bosnia-Herzegovina (6 April 1993), IHRLI Doc. No. 26697.

546/ BiH, Rape as a War Crime Against Civil Population, Case 743/92 (29 December 1992), IHRLI Doc. No. 13129.

547/ BiH, Commission for Human Freedoms and Rights, Aggression Against the Republic of Bosnia-Herzegovina (6 April 1993), IHRLI Doc. No. 26697.

548/ Nikola Marinović, Stories from Hell (1993), IHRLI Doc. No. 21044.

549/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 2607 through 2612.

550/ Yugoslav Mission, Submission to the United Nations Commission of Experts (2 July 1992), IHRLI Doc. No. 28463.

551/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-271, IHRLI Doc. Nos. 57210-57215; Roy Gutman, "Terror Trail: Refugees in Bosnia Face Attacks on Mountain Road", Newsday, 20 November 1992, at 5, IHRLI Doc. Nos. 7579-7580, 35575-35576; Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, The Situation of Human Rights in the Territory of the Former Yugoslavia, U.N. Doc. No. A/47/635 (6 November 1992), IHRLI Doc. No. 2254.

552/ United States, Eighth Submission to the United Nations Security Council in Accordance with Paragraph 5 of Resolution 771 (1992) (16 June 1993), IHRLI Doc. Nos. 23446A56-2344A57, 2344A60-2344A61, 2344A65.

553/ An official source, IHRLI Doc. No. 23694.

554/ German Mission, Submission to the United Nations Commission of Experts, IHRLI Doc. Nos. 5453-5454. Though this account is somewhat inflammatory, hearkening back to the days of Ottoman rule, the base allegations may be corroborated by other sources.

555/ This information comes from the 1991 census.

556/ Seki Radonić, Monitor, 5 February 1993, at 10-11, IHRLI Doc. Nos. 13068-13068, 13071.

557/ An official source, IHRLI Doc. No. 38311; Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, Fifth Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia, U.N. Doc. E/CN.4/1994/47 (17 November 1993), IHRLI Doc. No. 52404.

Notes (continued)

558/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 2616 through 2643.

559/ Deposition of [victim], State Commission on War Crimes, in Submission to United Nations Security Council, Pursuant to Paragraph 5, Resolution 771 (1992) (18 December 1992), IHRLI Doc. Nos. 4795-4797.

560/ Slobodan Jakulić, Patient Number A/26260, Medical Report, Neuro-Psychiatry Hospital, Belgrade, Serbia, IHRLI Doc. No. 5126; Slobodan Jakulić, Medical Report, Neuro-Psychiatry Hospital, Belgrade, Serbia, IHRLI Doc. No. 5124; Slobodan Jakulić, Medical Report, Neuro-Psychiatry Hospital, Belgrade, Serbia, IHRLI Doc. No. 5125.

561/ Home News, Tanjug News Agency, 8 September 1992, IHRLI Doc. No. 5334; "Brothels with Serb Women Established by Muslim and Croatian Forces", Yugoslav Mission, Submission to the United Nations Security Council in Compliance with Paragraph 5 of Resolution 771 (1992) (18 December 1992), IHRLI Doc. No. 4800; Home News, IHRLI Doc. No. 5309.

562/ Home News, Tanjug News Agency, 8 September 1992, IHRLI Doc. No. 5334; "Brothels with Serb Women Established by Muslim and Croatian Forces", Yugoslav Mission, Submission to the United Nations Security Council in Compliance with Paragraph 5 of Resolution 771 (1992) (18 December 1992), IHRLI Doc. No. 4800; Home News, IHRLI Doc. No. 5309.

563/ BiH, Commission for Human Freedoms and Rights, Aggression Against the Republic of Bosnia-Herzegovina (6 April 1993), IHRLI Doc. No. 26697.

564/ French Mission, Submission to the United Nations Security Council Pursuant to Paragraph 5 of Resolution 771 (1992), U.N. Doc. No. S/24768 (5 November 1992), IHRLI Doc. No. 1335; Slobodan Jakulić, Medical Report, Neuro-Psychiatry Hospital, Belgrade, Serbia, IHRLI Doc. No. 5123; Deposition of [victim], State Commission on War Crimes, Yugoslav Mission, Submission to the United Nations Security Council, Pursuant to Paragraph 5, Resolution 771 (1992) (18 December 1992), IHRLI Doc. Nos. 4795-4797; Milena Dražić, "Might Makes Right, Irrespective of God or Love", Borba, 20 December 1992, IHRLI Doc. No. 5073; Dr. Slobodan Jakulić, Patient Number A/26160, Medical Report, Neuro-Psychiatry Hospital, Belgrade, Serbia, IHRLI Doc. No. 5126; Dr. Slobodan Jakulić, Medical Report, Neuro-Psychiatry Hospital, Belgrade, Serbia, IHRLI Doc. No. 5124; Dr. Slobodan Jakulić, Medical Report, Neuro-Psychiatry Hospital, Belgrade, Serbia, IHRLI Doc. No. 5125; Home News, Tanjug News Agency, 8 September 1992, IHRLI Doc. No. 5334; Yugoslav Mission, Submission to the United Nations Security Council in Compliance with Paragraph 5 of Resolution 771 (1992) (18 December 1992), IHRLI Doc. No. 4800; Home News, IHRLI Doc. No. 5309.

565/ Brothels with Serb Women Established by Muslim and Croatian Forces, Yugoslav Mission, Submission to the United Nations Security Council in Compliance with Paragraph 5 of Resolution 771 (1992) (18 December 1992), IHRLI Doc. No. 4800.

566/ Id.

Notes (continued)

567/ The source of these reports is a doctor from the Neuro-Psychiatry Hospital Dispensary in Belgrade, where women were evaluated to determine whether they could or should receive an abortion. Slobodan Jakulić, Medical Report, Neuro-Psychiatry Hospital, Belgrade, Serbia, IHRLI Doc. Nos. 5123-5126.

568/ Deposition of [victim], State Commission on War Crimes, Yugoslav Mission, Submission to the United Nations Security Council, Pursuant to Paragraph 5, Resolution 771 (1992) (18 December 1992), IHRLI Doc. Nos. 4795-4797; Milena Dražić, "Might Makes Right, Irrespective of God or Love", Borba, 20 December 1992, IHRLI Doc. No. 5073.

569/ Home News, IHRLI Doc. No. 5309.

570/ Trešnjevka, A List of Rape/Death Camps in Bosnia-Hercegovina (28 September 1992), IHRLI Doc. Nos. 6599-6600.

571/ French Mission, Submission to the United Nations Security Council Pursuant to Paragraph 5 of Resolution 771 (1992), U.N. Doc. S/24768 (5 November 1992), IHRLI Doc. No. 1335.

572/ BiH, Rape as a War Crime Against Civil Population, Case 743/92 (29 December 1992), IHRLI Doc. No. 13128.

573/ This information comes from the 1991 census.

574/ ECMM, Humanitarian Activity--Report No. 43: Executive Summary, (24-30 October 1993), IHRLI Doc. Nos. 47043, 50301.

575/ Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, Fifth Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia, U.N. Doc. E/CN.4/1994/47 (17 November 1993), IHRLI Doc. No. 52404

576/ David B. Ottaway, Article, Washington Post Weekly, IHRLI Doc. No. 54539; John F. Burns, Article, N.Y. Times, IHRLI Doc. No. 54363.

577/ Caption of photograph, N.Y. Times, 3 November 1993, IHRLI Doc. No. 43918.

578/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 2658 through 2717.

579/ Included here are nine testimonies offered by victims or eyewitness.

580/ Trešnjevka, A List of Rape/Death Camps in Bosnia-Hercegovina (28 September 1992), IHRLI Doc. No. 6599; The Riyasat, 28 September 1992, IHRLI Doc. No. 9725.

581/ The Riyasat, 28 September 1992, IHRLI Doc. No. 9725.

582/ BiH, Commission for the Protection of Human Freedoms and Rights.

Notes (continued)

583/ BiH, "Sexual Crimes of the Aggressor in Bosnia-Hercegovina", Bulletin No. 1--Facts on War Crimes (October 1992), IHRLI Doc. No. 3062.

584/ War Crimes Investigator, Report to BiH State Commission for War Crimes, IHRLI Doc. No. 39468A; BiH, Rape as a War Crime Against Civil Population (29 December 1992), IHRLI Doc. Nos. 13129, 13137.

585/ Id.

586/ BiH, Rape as a War Crime Against Civil Population, Case 353/92 (29 December 1992), IHRLI Doc. No. 13127.

587/ Trešnjevka, A List of Rape/Death Camps in Bosnia-Hercegovina (28 September 1992) IHRLI Doc. No. 6599; The Riyasat, 28 September 1992, IHRLI Doc. No. 9725; Amnesty International, Bosnia-Herzegovina: Rape and Sexual Abuse by the Armed Forces 10, IHRLI Doc. Nos. 5523-5524; BiH, Rape as a War Crime Against Civil Population, Case 606/92 (29 December 1992), IHRLI Doc. No. 13131; BiH, Rape as a War Crime Against Civil Population, Case 353/92 (29 December 1992), IHRLI Doc. No. 13127; Report of Crimes Committed Against Humanity and the International Law and of Concentration Camps formed by the Aggressor in Bosnia and Herzegovina (August 1992), IHRLI Doc. No. 3315.

588/ Two victims reported that this man was one of the rapists in the Hotel Vilina Vlas. Another victim claimed that he and three other soldiers gathered all the girls of the village, especially teen-age girls, and then they vented "their low instincts".

589/ Croatian Mission, Submission to the United Nations Security Council, U.N. Doc. S/25094 (12 January 1993), IHRLI Doc. Nos. 4650-4658; Petty Officer Second Class J. Ross & Master Corporal T. McComb, "Investigation Report", Rape Pilot Project, Bosnia-Hercegovina 1992-93 (Canadian Forces Military Police, 21 July 1993), IHRLI Doc. Nos. 29317-29322, 33823-33826; Amnesty International, Bosnia-Herzegovina: Rape and Sexual Abuse by the Armed Forces 10, IHRLI Doc. Nos. 5523-5524, Peter Maass, "In Bosnia's Dirty War, Rape Is a Weapon", Washington Post, 4-10 January 1993, at 17.

590/ Croatian Mission, Submission to the United Nations Security Council, U.N. Doc. S/25094 (12 January 1993), IHRLI Doc. Nos. 4650-4658; Petty Officer Second Class J. Ross & Master Corporal T. McComb, "Investigation Report", Rape Pilot Project, Bosnia-Hercegovina 1992-93 (Canadian Forces Military Police, 21 July 1993), IHRLI Doc. Nos. 29317-29322, 33823-33826; Amnesty International, Bosnia-Herzegovina: Rape and Sexual Abuse by the Armed Forces 10, IHRLI Doc. Nos. 5523-5524, Peter Maass, "In Bosnia's Dirty War, Rape Is a Weapon", Washington Post, 4-10 January 1993, at 17.

591/ Croatian Mission, Submission to the United Nations Security Council, U.N. Doc. S/25094 (12 January 1993), IHRLI Doc. Nos. 4650-4658; Petty Officer Second Class J. Ross & Master Corporal T. McComb, "Investigation Report", Rape Pilot Project, Bosnia-Hercegovina 1992-93 (Canadian Forces Military Police, 21 July 1993), IHRLI Doc. Nos. 29317-29322, 33823-33826; Amnesty International, Bosnia-Herzegovina: Rape and Sexual Abuse by the Armed Forces 10, IHRLI Doc. Nos. 5523-5524, Peter Maass, "In Bosnia's Dirty War, Rape Is a Weapon", Washington Post, 4-10 January 1993, at 17.

Notes (continued)

592/ Croatian Mission, Submission to the United Nations Security Council, U.N. Doc. S/25094 (12 January 1993), IHRLI Doc. Nos. 4650-4658; Petty Officer Second Class J. Ross & Master Corporal T. McComb, "Investigation Report", Rape Pilot Project, Bosnia-Hercegovina 1992-93 (Canadian Forces Military Police, 21 July 1993), IHRLI Doc. Nos. 29317-29322, 33823-33826; Amnesty International, Bosnia-Herzegovina: Rape and Sexual Abuse by the Armed Forces 10, IHRLI Doc. Nos. 5523-5524, Peter Maass, "In Bosnia's Dirty War, Rape Is a Weapon", Washington Post, 4-10 January 1993, at 17.

593/ Croatian Mission, Submission to the United Nations Security Council, U.N. Doc. S/25094 (12 January 1993), IHRLI Doc. Nos. 4650-4658; Petty Officer Second Class J. Ross & Master Corporal T. McComb, "Investigation Report", Rape Pilot Project, Bosnia-Hercegovina 1992-93 (Canadian Forces Military Police, 21 July 1993), IHRLI Doc. Nos. 29317-29322, 33823-33826; Amnesty International, Bosnia-Herzegovina: Rape and Sexual Abuse by the Armed Forces 10, IHRLI Doc. Nos. 5523-5524, Peter Maass, "In Bosnia's Dirty War, Rape Is a Weapon", Washington Post, 4-10 January 1993, at 17.

594/ Croatian Mission, Submission to the United Nations Secretary General, U.N. Doc. S/25082 (7 January 1993), IHRLI Doc. Nos. 4632-4640; Amnesty International, Bosnia-Herzegovina: Rape and Sexual Abuse by the Armed Forces 10, IHRLI Doc. Nos. 5523-5524. One victim reported that she was taken to the large fire station where she was held for five days at the end of May. She was repeatedly raped by members of Arkan's and Šešelj's units. She was then taken to the Hotel Vilina Vlas and raped by nine men. While there, she witnessed several others being raped. Report of Crimes Committed Against Humanity and the International Law and of Concentration Camps formed by the Aggressor in Bosnia and Herzegovina (August 1992), IHRLI Doc. No. 3315; Petty Officer Second Class J. Ross & Master Corporal T. McComb, "Investigation Report", Rape Pilot Project, Bosnia-Hercegovina 1992-93 (Canadian Forces Military Police, 21 July 1993), IHRLI Doc. Nos. 33832-33833.

595/ BiH, Rape as a War Crime Against Civil Population, Case 743/92 (29 December 1992), IHRLI Doc. No. 13128. The report states that the retarded children were also raped. The home housed approximately 300 children.

596/ BiH Ministry of Internal Affairs, Security Services Centre, Case 345/92, IHRLI Doc. Nos. 29334-29335, 33827-33831.

597/ Croatian Mission, Submission to the United Nations Security Council, U.N. Doc. S/25094 (12 January 1993), IHRLI Doc. Nos. 4650-4658; Petty Officer Second Class J. Ross & Master Corporal T. McComb, "Investigation Report", Rape Pilot Project, Bosnia-Hercegovina 1992-93 (Canadian Forces Military Police, 21 July 1993), IHRLI Doc. Nos. 29317-29322, 33823-33826; Amnesty International, Bosnia-Herzegovina: Rape and Sexual Abuse by the Armed Forces 5523-5524; Peter Maass, "In Bosnia's Dirty War, Rape Is a Weapon", Washington Post, 4-10 January 1993, at 17; BiH, Commission for the Protection of Human Freedoms and Rights, IHRLI Doc. No. 26695.

598/ Croatian Mission, Submission to the United Nations Security Council, U.N. Doc. S/25082 (7 January 1993), IHRLI Doc. Nos. 4650-4658; Petty Officer Second Class J. Ross & Master Corporal T. McComb, "Investigation Report", Rape Pilot Project, Bosnia-Hercegovina 1992-93 (Canadian Forces Military Police, 21 July 1993), IHRLI Doc. Nos. 29317-29322, 33823-33826; Amnesty International, Bosnia-Herzegovina: Rape and Sexual Abuse by the Armed Forces, IHRLI Doc. Nos. 5523-5524; Peter Maass, "In Bosnia's Dirty War, Rape

Notes (continued)

Is a Weapon", Washington Post, 4-10 January 1993, at 17.

599/ Zoran Jovičić, War Crimes Committed by the Yugoslav Army 1991-1992, (Croatian Information Centre, 1993), IHRLI Doc. Nos. 15200-15201.

600/ Id.

601/ The Riyasat, September 28, 1992, IHRLI Doc. No. 9725; BiH, Rape as a War Crime Against Civil Population, Case 606/92 (29 December 1992), IHRLI Doc. No. 13131.

602/ The Riyasat, 28 September 1992, IHRLI Doc. No. 9725; BiH, Rape as a War Crime Against Civil Population, Case 353/92 (29 December 1992), IHRLI Doc. No. 13127; BiH, Commission for the Protection of Human Freedoms and Rights.

603/ Report from war crimes investigator to BiH State Commission for War Crimes, IHRLI Doc. No. 39468A; BiH, Rape as a War Crime Against Civil Population, Case 727/92 (29 December 1992), IHRLI Doc. Nos. 13129, 13137.

604/ BiH, Rape as a War Crime Against Civil Population, Case 1091/92 (29 December 1992), IHRLI Doc. No. 32072; Croatian Mission, Submission to the United Nations Security Council, U.N. Doc. S/25082 (7 January 1993), IHRLI Doc. Nos. 4632-4640; BiH, Ministry of Internal Affairs, Case 345/92, IHRLI Doc. Nos. 29334-29335, 33827-33831; BiH, Security Department, Ministry of the Interior, Testimony of [victim], Case 353/1992 (5 July 1992), IHRLI Doc. Nos. 34732-34736; United States State Department, Submission to the Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56362-56363; BiH, Ministry of the Interior, Witness Statement, IHRLI Doc. Nos. 30235-30242; Croatian Mission, "The Extent of the Violation of Women Human Rights and the Raping as a New Type of War Crimes in Croatia and Bosnia and Herzegovina", Submission to the United Nations Security Council Pursuant to Paragraph 5 of Resolution 771 (1992), U.N. Doc. 25082 (30 December 1992), IHRLI Doc. No. 4625.

605/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 2733 through 2744.

606/ United States Mission, Eighth Submission to the United Nations Security Council in Accordance with Paragraph 5 of Resolution 771 (1992) (16 June 1993), IHRLI Doc. Nos. 23444-23478.

607/ Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, Second Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia, U.N. Doc. E/CN.4/1994/4 (19 May 1993), IHRLI Doc. Nos. 18743-18744; Amnesty International, Urgent Action, 26 April 1993, at 1, IHRLI Doc. Nos. 34983-34984 (citing the Independent, 21 April 1993, quoting UN sources).

608/ Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, Second Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia, U.N. Doc. E/CN.4/1994/4 (19 May 1993), IHRLI Doc. Nos. 18744-18746.

Notes (continued)

609/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 2745 through 2807.

610/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56477-56481.

611/ Id.; United Kingdom, Defense Debriefing Team, Summary no. 19 of Atrocity Information, IHRLI Doc. No. 43263.

612/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56477-56481; United Kingdom, Defence Debriefing Team, Summary No. 19 of Atrocities Information, IHRLI Doc. No. 43263.

613/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56477-56481; United States Mission, Eighth Submission to the United Nations Security Council in Accordance with Paragraph 5 of Resolution 771 (1992) (16 June 1993), IHRLI Doc. Nos. 23457-23459.

614/ United Kingdom, Defence Debriefing Team, Summary no. 19 of Atrocity Information, IHRLI Doc. No. 43263.

615/ Id.

616/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 2808 through 2840.

617/ German Mission, Submission to the United Nations Commission of Experts, IHRLI Doc. Nos. 5453-5454.

618/ Meeting with the Center for Human Rights in Zenica, Annex N, ECMM, Report on Inter-Ethnic Violence in Vitez, Busovaca, and Zenica April 1993, H/S 720, dated 15 May 1993, IHRLI Doc. Nos. 29098-29099.

619/ There were several camps located in this county. For more information, see the report on Prison Camps, Annex VIII, paragraphs 2847 through 2912.

620/ French Mission, Submission to the United Nations Security Council, U.N. Doc. S/24768 (5 November 1992), IHRLI Doc. No. 1328; Save the Humanity, Report on War Destructions in Bosnia-Hercegovina (signed witness statement, dated 1 June 1992), IHRLI Doc. No. 660; Petty Officer Second Class J. Ross & Master Corporal T. McComb, "Investigation Report", Rape Pilot Project, Bosnia-Hercegovina 1992-93 (Canadian Forces Military Police, 21 July 1993), IHRLI Doc. Nos. 33848-33849 (submitting information collected by the BiH State Commission on War Crimes); BiH, State Commission on War Crimes, IHRLI Doc. Nos. 13127-13128, 13137 (index references to the case submitted by the Canadian Forces Military Police); The Riyasat, 28 September 1992, IHRLI Doc. No. 34882; Austrian Mission, Report on the Results of Interviews of Bosnian War Refugees (1993), IHRLI Doc. Nos. 18216-18217 (reporting that this event occurred after people were arrested and taken to a "young people's home"); International Peace Center, Sarajevo, Conscience of Human Race: Why?, IHRLI

Notes (continued)

Doc. No. 32098.

621/ Unspecified Source, IHRLI Doc. No. 62813.

622/ Unspecified source, IHRLI Doc. No. 62834.

623/ United States State Department, Submission to the Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56455-56457.

624/ Roy Gutman, "Victims Recount Nights of Terror at Makeshift Bordello", Newsday, 23 August 1992, at 37, IHRLI Doc. No. 7542.

625/ An official source, IHRLI Doc. No. 12909.

626/ Notes and Testimonies which formed in part the basis of the Mazowiecki Report of 5 May 1993 to the UN Center for Human Rights, IHRLI Doc. Nos. 26387-26388; An official source, IHRLI Doc. Nos. 12907, 12911.

627/ United States State Department, Submission to the Commission of Experts, Cases 94-1 to 94-27, IHRLI Doc. Nos. 56455-56457; Roy Gutman, "Mass Rape", Newsday, 23 August 1992, at 5, 36-37, IHRLI Doc. Nos. 7539-7542; Amnesty International, Bosnia-Herzegovina: Rape and Sexual Abuse by the Armed Forces 10 (January 1993) (reporting on the Gutman article), IHRLI Doc. No. 5523; An official source, IHRLI Doc. No. 18954; BiH, Report of Crimes Committed Against Humanity and the International Law and of Concentration Camps Formed by the Aggressor in Bosnia and Herzegovina (August 1992), IHRLI Doc. No. 3312; An official source, IHRLI Doc. No. 12907.

628/ United States State Department, Submission to the Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56516-56519.

629/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-244, IHRLI Doc. No. 57126 (stating that forty-eight females, aged 13 to 30, were taken to the factory from Brezovo Polje and raped by "Četniks").

630/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. No. 62840; Bill Frelick, Voices from the Whirlwind, IHRLI Doc. Nos. 21597-21600.

631/ Bill Frelick, Voices From the Whirlwind, IHRLI Doc. Nos. 21597-21600.

632/ Bill Frelick, Voices From the Whirlwind, IHRLI Doc. Nos. 21601-21605.

633/ Id.

634/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 62672-62675.

635/ Croatian Mission, Submission to the United Nations Commission of Experts, U.N. Doc. S/25082 (7 January 1993), IHRLI Doc. No. 5133-5134.

Notes (continued)

636/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. No. 62844.

637/ There were several camps located in Croatia. For more information, see the report on Prison Camps, Annex VIII, paragraphs 2913 through 3393.

638/ This report encompasses March to December 1992.

639/ Republic of Croatia, Municipality of Benkovac, Report on Terror and Violation of Human Rights in the Occupied Area of the Municipality of Benkovac (undated), IHRLI Doc. Nos. 19110-19111.

640/ Canadian Report #2, 29 June 1993, IHRLI Doc. No. 26661.

641/ ECMM, Report on Statements About Violations of the Second Protocol to the Geneva Conventions Concerning Drniš and the Villages in the Municipality of Drniš, Annex 4 (19 November 1992), IHRLI Doc. Nos. 19223-19225.

642/ Id.

643/ Croatia, Division of Information, Ministry of Health, Testimony Glina-965, IHRLI Doc. No. 36753.

644/ UNCIVPOL, Preliminary Report: Investigative Research Concerning Displaced Persons of Serbian Origin from Outside Sector South (26 April 1993), IHRLI Doc. No. 24789.

645/ Nataša Kandić, Report on War Crimes and Violations of Human Rights as Indicated in Politika, Borba, and Vjesnik (1 July 1991 - 15 January 1991) submitted to the Center for Antiwar Action for the Round Table on Yugoslavia, San Remo, 4-6 December 1992, Agenda Item 4, IHRLI Doc. No. 12054 (citing Dusan Kecman, "Holocaust Europe Has Not Seen", Politika, 11 May 1991).

646/ Case 001, War Crimes Against Prisoners, Croat Information Center, Weekly Bulletin No. 8, 27 September 1993, at 2, IHRLI Doc. No. 40342.

647/ Vojin Dabić et al., "Dossier No. 2: Rape and Sexual Abuse of Serb Women, Men and Children in Areas Controlled by Croatian and Muslim Armed Formations in Bosnia-Hercegovina and Croatia, 1991-1993", Documentation Regarding the Violations of Human Rights, Ethnic Cleansing, Crimes and Violence by Croatian and Muslim Armed Formations Against the Serbian Civilian Population in Bosnia-Hercegovina (15 January 1993), IHRLI Doc. Nos. 14214-14222.

648/ Croatian Information Center, Weekly Bulletin No. 17, 29 November 1993, at 2, IHRLI Doc. No. 53127 (citing Na Badnjak su dosli zatočenici iz Okučana (The Prisoners from Okučani Arrived on Christmas Eve), Vjesnik, 22 November 1993, at 6).

649/ Canadian Report #2, 29 June 1993, IHRLI Doc. No. 26670.

650/ Croatian Government, Criminal Offences for which Collection of Evidence Material is in Progress, IHRLI Doc. No. 2881.

Notes (continued)

651/ Nikola Marinović, Stories from Hell (1993), IHRLI Doc. No. 21025.

652/ Croatian Mission, Submission to the Untied Nations Security Council, U.N. Doc. S/25082 (7 January 1993), IHRLI Doc. No. 4621.

653/ Open Letter from Biljana Plavšić, Member of the Presidency of the Republic of Serbia to Various Embassies (30 September 1992).

654/ Nikola Marinović, Stories from Hell (1993), IHRLI Doc. No. 21045.

655/ Croatia, Department of Information, Ministry of Health, Testimony SIL-878, IHRLI Doc. No. 36747.

656/ Catharine A. MacKinnon, "Turning Rape into Pornography: Postmodern Genocide", Ms., July/August 1993, IHRLI Doc. No. 40040.

657/ Yugoslav Mission, Submission to the United Nations Commission of Experts (2 July 1993), IHRLI Doc. No. 28592; Interviews with witnesses, unidentified interviewer and witness, IHRLI Doc. Nos. 11868-11873; Helsinki Watch, Prosecute Now!, 1 August 1993, IHRLI Doc. No. 29376.

658/ Nikola Marinović, Stories from Hell (1993), IHRLI Doc. No. 21062 (citing a report from the Psychiatry Clinic of the Belgrade Military Medical Academy).

659/ Helsinki Watch, Prosecute Now, 1 August 1993, IHRLI Doc. No. 29375.

660/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. No. 62857.

661/ United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. No. 62868.

662/ Interview No. 13, Helsinki Watch, 27 July 1991, IHRLI Doc. No. 21167.

663/ Croatia, Division of Information, Ministry of Health, Report on UNPROFOR Sector East, IHRLI Doc. No. 36725.

664/ Id.

665/ Id.

666/ Croatian Information Center, Weekly Bulletin #13, 2 November 1993, IHRLI Doc. No. 43987.

667/ Croatia, Division of Information, Ministry of Health, Preliminary Report on Summary Execution of Croatian Civilian Detainees Captured by Serbian Paramilitary Troops in the Vicinity of Bjelovar and Grubišno in 1991, IHRLI Doc. No. 17491.

668/ BBC World Service, IHRLI Doc. No. 40125.

Notes (continued)

669/ Testimony Concerning Violation of Human Rights, Civilian Suffering and Victims of Brutality and Aggression, IHRLI Doc. No. 7312.

670/ Croatia, Division of Information, Ministry of Health, Preliminary Report on Summary Execution of Croatian Civilian Detainees Captured by Serbian Paramilitary Troops in the Vicinity of Bjelovar and Grubišno in 1991, IHRLI Doc. No. 17486.

671/ Croatia, Division of Information, Ministry of Health, Report on UNPROFOR Sector East, IHRLI Doc. No. 36725.

672/ Croatia, Criminal Offences for which Collection of Evidence Material is in Progress, IHRLI Doc. No. 2878.

673/ Testimony Concerning Violation of Human Rights, Civilian Suffering and Victims of Brutality and Aggression, IHRLI Doc. No. 7381.

674/ Nikola Marinović, Stories from Hell (1993), IHRLI Doc. Nos. 21034-21036.

675/ Nataša Kandić, Report on War Crimes and Violations of Human Rights as Indicated in Politika, Borba, and Vjesnik, for the Centre for Antiwar Action, December 1992, IHRLI Doc. No. 12055.

676/ Croatia, Division of Information, Ministry of Health, VU-391, IHRLI Doc. No. 50377.

677/ It is unclear from the testimony, but this could have occurred at the Velepromet warehouse. Croatia, Division of Information, Ministry of Health, Witness Statement, IHRLI Doc. Nos. 36656-36657.

678/ Amnesty International, Bosnia-Herzegovina: Rape and Sexual Assault by Armed Forces 13-14 (January 1993), IHRLI Doc. Nos. 5526-5527.

679/ Croatian Mission, Submission to the United Nations Security Council, U.N. Doc. S/25082 (7 January 1993), IHRLI Doc. No. 4621.

680/ Croatia, Division of Information, Ministry of Health, IHRLI Doc. No. 17488.

681/ Torkel Opsahl, Report on Mission to Zagreb 11-14 August 1993, IHRLI Doc. Nos. 35348-35351 (containing statements (audio cassette and hard copy) of four Serbs, Ivanka Savić, Dušan Gurjanov, Ivica Vuletić, Nenad Bojić, and one Croat, Željko Naglić charged with committing serious war crimes on Croatian territory).

682/ UNPROFOR, Allegations of Human Rights Violations, Sector South, Knin, 22 April 1993, IHRLI Doc. Nos. 24443, 24479.

683/ The Yugoslav State Commission on War Crimes reportedly has witness statements on file regarding these allegations. Yugoslav Mission, Submission to the United Nations Commission of Experts (2 July 1993), IHRLI Doc. No. 28563.

Notes (continued)

684/ Undated Letter from Momo Blagojević to UN Human Rights Organization Commission for War Crimes in former Yugoslavia, Re: Allegations of War Crimes Committed/Authorized by the President of Croatia, IHRLI Doc. No. 5620.

685/ UNCIVPOL, Report on Crimes Committed Against Croats in Sector South, IHRLI Doc. No. 50466.

686/ Catharine A. MacKinnon, "Turning Rape into Pornography: Postmodern Genocide", Ms. July/August 1993, IHRLI Doc. No. 40038.

687/ There were several camps located in Serbia. For more information, see the report on Prison Camps, Annex VIII, paragraphs 3394 through 3745.

688/ BiH State Commission for War Crimes, Rape as a War Crime Against Civil Population (29 December 1992), case 743/92, IHRLI Doc. No. 13129; The Rijaset, 2 April 1993, IHRLI Doc. No. 9731.

689/ An official source, IHRLI Doc. No. 18971.

690/ Two reports involve witnesses at the prison during this time. Testimony Concerning Violation of Human Rights, Civilian Suffering and Victims of Brutality and Aggression, IHRLI Doc. No. 6488 (reporting that a witness encountered this victim in December 1991); Croatia, Division of Information, Ministry of Health, Witness Statement, IHRLI Doc. No. 39559A (stating that the witness was in custody from 15 January to 13 February 1992).

691/ Testimony Concerning Violation of Human Rights, Civilian Suffering and Victims of Brutality and Aggression, IHRLI Doc. No. 6488; Croatia, Division of Information, Ministry of Health, Witness Statement, IHRLI Doc. No. 39559A; United States State Department, Submission to the United Nations Commission of Experts, Cases 94-1 to 94-276, Case 94-171, IHRLI Doc. Nos. 56863-56867.

692/ These three camps are all near Zrenjanin, in the northeast portion of Vojvodina. Begejci is east of the city and Stajićevo is south. Livade is described only as "near" the city.

693/ Croatian Information Center, Bulletin 15, November 1993, at 2, IHRLI Doc. No. 47023. This is most likely an index version of the statement by jad14ea, below. The only difference is that this account states it occurred in Stajićevo, while the other account states that it occurred in a camp in Livade. Both are near Zrenjanin. Both accounts state that the abuse occurred in the same time frame, both identify the same alleged perpetrators, both describe the same events, and both describe the victims the same way. See Croatian Information Center, Witness Statement jad14ea (January 1993), IHRLI Doc. Nos. 14632-14634.

694/ Croatian Mission, Submission to the United Nations Security Council, U.N. Doc. S/25082 (7 January 1993), IHRLI Doc. No. 5131.

695/ Croatia, Division of Information, Ministry of Health (26 October 1992), IHRLI Doc. No. 132qqqq-132ssss.

Notes (continued)

696/ United States Department of State, Submission to the Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56624-56628.

697/ The reservist's name is almost identical to the reservist's in the previous account.

698/ Croatia, Division of Information, Ministry of Health, Submission to the United Nations Security Council (26 October 1992), IHRLI Doc. Nos. 132tttt-132uuuu.

699/ Testimony Concerning Violations of Human Rights, Civilian Suffering and Victims of Brutality and Aggression, IHRLI Doc. No. 7364.

700/ Croatian Information Centre, Witness statement jad14ea (January 1993), IHRLI Doc. Nos. 14632-14634.

701/ Catharine A. MacKinnon, "Turning Rape into Pornography", Ms. July/August 1993, IHRLI Doc. No. 40040.

702/ United States State Department, Submission to the Commission of Experts, Cases 94-1 to 94-276, IHRLI Doc. Nos. 56455-56457.

703/ Human Rights Questions: Human Rights Situations and Reports of the Special Rapporteurs and Representatives, U.N. Doc. A/47/666, S/24809, at 34 (17 November 1992), IHRLI Doc. No. 1521.

FINAL REPORT OF THE UNITED NATIONS COMMISSION OF EXPERTS ESTABLISHED PURSUANT TO SECURITY COUNCIL RESOLUTION 780 (1992)

ANNEX IX.A
SEXUAL ASSAULT INVESTIGATION

Under the Direction of:

M. Cherif Bassiouni
Chairman and Rapporteur on the Gathering
and Analysis of the Facts, Commission of Experts
Established Pursuant to Security Council Resolution 780 (1992)

Principal Legal Analyst:

Karen Kenny, Consultant to the Commission
of Experts, Coordinator of the In-Depth Rape and
Sexual Assault Investigation of the Commission of Experts

Principal Psychiatric Analyst:

Dr. Stephanie Cavanaugh, M.D., Consultant to the
Commission of Experts, Coordinator of the Mental Health Team

CONTENTS

PART ONE

			Paragraphs	Page
I.	INTRODUCTION		1 - 23	5
	A.	Overview of the project	1 - 18	5
	B.	The team	19 - 23	6
II.	METHODOLOGY		24 - 86	7
	A.	Briefings for the team	30 - 34	8
	B.	Investigating rape in the context in which it occurs	35 - 40	9
	C.	The indirect approach to victim-witnesses	41 - 49	10
	D.	Selection of witnesses	50 - 60	11
	E.	The trauma of victim-witnesses	61 - 65	13
	F.	Previous statements of a witness	66 - 72	14
	G.	Problems with interviewing people who have already given statements available to the Commission	73 - 75	15
	H.	Security procedures	76 - 84	15
	I.	Conclusions	85 - 86	16
III.	GENERAL COMMENTS REGARDING THE SUBSTANCE		87 - 149	17
	A.	Western Bosnia and Herzegovina	92 - 108	17
		1. Keraterm/Omarska/Manjača/Trnopolje	93 - 99	17
		2. Kotor Varoš	100 - 107	18
		3. Banja Luka/Kozarac	108	19
	B.	Eastern Bosnia and Herzegovina	109 - 114	19
	C.	Other areas of Bosnia and Herzegovina	115 - 124	20
		1. Croat perpetrators	117 - 121	20
		2. Muslim perpetrators	122 - 124	20
	D.	Croatia	125 - 141	21
		1. Knin area	126 - 129	21

CONTENTS (continued)

		Paragraphs	Page
	2. Sremska Mitrovica/Stajičevo/Begejci . . .	130 - 135	21
	3. Vukovar area	136 - 140	22
	4. Other areas of Croatia	141	23
E.	Mass executions	142 - 143	23
F.	Factors in assessing the interviews	144 - 147	23
G.	Conclusions which may be drawn	148 - 149	24
IV.	RECOMMENDATIONS FOR FURTHER INVESTIGATION	150 - 182	24
A.	Ratione materiae	150 - 163	24
B.	Ratione loci	164 - 167	26
C.	Ratione personae	168 - 173	27
D.	Ratione temporis	174 - 176	28
E.	Implementing these recommendations	177 - 180	28
F.	Presence in the area	181 - 182	29
V.	CONCLUDING REMARKS	183 - 191	29

Appendices

		Paragraphs	Page
I.	Plan of Action	192 - 232	31
II.	List of Participants		39

PART TWO

		Paragraphs	Page
Summary		233 - 261	41
I.	INTRODUCTION	236 - 237	41
II.	SELECTION OF THE MENTAL HEALTH TEAM	238	42
III.	ACTIVITIES OF THE MENTAL HEALTH TEAM	239 - 241	42
IV.	THE ROLE OF THE MENTAL HEALTH TEAM	242 - 251	43
V.	SELECTION OF WITNESSES	252 - 254	44
VI.	THE PSYCHOLOGICAL EFFECTS OF TESTIMONY	255 - 256	45

CONTENTS (continued)

		Paragraphs	Page
VII.	PSYCHOLOGICAL AND PHYSICAL STATUS OF THE WITNESSES	257 - 261	46

Appendices

		Paragraphs	Page
I.	Appendix I	262 - 265	53
II.	Appendix II		54

List of tables

		Page
1.	Demographic data of witnesses interviewed	47
2.	Trauma experienced by witnesses interviewed	48
3.	Diagnoses of witnesses interviewed	52

Part One

REPORT OF PHASE I

I. INTRODUCTION

A. Overview of the project

1. The Commission of Experts is authorised by Security Council resolution 780 (1992) to examine and analyse information which it "may obtain through its own investigations or efforts."

2. The (first) Interim Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992) indicated that the Commission intended to engage in selective in-depth investigations in a number of areas. Among these was sexual assault. 1/

3. The Commission's project to gather information regarding sexual assault was carried out in February and March 1994. The aim was to gather information regarding allegations of sexual assault, torture and mass killings (particularly in a detention camp context). The information gathered relates to the war in Croatia as well as to Bosnia and Herzegovina (BiH).

4. Planning for the interviews started in October 1993. A small Advance Team arrived in Croatia on 30 January to prepare for the interviews during February. The lawyer interviewers and the mental health specialists arrived in Zagreb on 26 February. After three days of briefings in Zagreb, interviews were conducted from 2 March to 24 March and follow-up work completed in the area by 9 April.

5. Interviews with 223 people were carried out, on behalf of the Commission of Experts in Croatia, among its refugee and displaced person communities from 2 to 24 March 1994, during phase I of the project. 2/ One hundred forty-six of these victim-witnesses were from BiH, while 77 were from Croatia. Among the victim-witnesses from BiH, there were 100 Muslims, 43 Croats and one Serb. Among the victim-witnesses with allegations concerning the war in Croatia, 26 were women and all were Croats.

6. A significant number of these interviews can provide the basis for possible prosecutions.

7. Among the 79 women in the group from BiH, 19 had been raped in their own homes and 13 raped in the context of detention. A group of 17 men and women had been eye-witnesses to rape or sexual assault. Several of these people have been assessed as key witnesses, because they have not only seen or experienced a great deal, but also have the emotional strength and clarity of presentation to play a pivotal role in a prosecution case.

8. The project has gathered significant information concerning alleged war crimes taking place in Croatia. This is particularly the case regarding rapes in detention and sexual assault of men, including castration in detention. In addition, seven survivors of the Lovas mine-field massacre were interviewed as was a survivor of the Dalj massacre.

9. The records of the interviews will assist the Prosecutor of the International Criminal Tribunal by indicating cases which are likely to found prosecutions for grave breaches of the Geneva Conventions or Crimes Against Humanity. The interviews are indications to the Prosecutor of the International Criminal Tribunal of what the witnesses are able to attest.

10. The great majority of victims and witnesses interviewed were willing to be contacted in the future by the Prosecutor and would consider testifying before the Tribunal.

11. The interviews have highlighted areas where further investigation is needed.

12. Eleven teams of lawyers (from Finland, USA, Canada, Bangladesh and Ireland) carried out the interviews and eight mental health specialists worked to support the process. Fourteen interpreters were recruited locally after a rigorous selection procedure.

13. The project was carried out almost exclusively by female lawyers, mental health specialists and interpreters and involved approximately 40 people.

14. Victim-witnesses were approached through a number of contact persons, including local and international NGOs, Home Clubs, individuals, local mental health specialists and the Government of Croatia.

15. The Commission of Experts sought to conduct interviews in Serb-held territories in Croatia and Bosnia and Herzegovina, but was unable to gain access.

16. The Commission sought to interview victims in the Federal Republic of Yugoslavia (FRY) and contacted that Government several times in January and February 1994, but was unable to obtain authorisation to have Commission teams conduct interviews there. After a meeting between the Federal Minister of Justice and the Chairman of the Commission, it was agreed that the Government would conduct its own interviews based on a model provided by the Commission of Experts.

17. These 223 interviews reflect the best efforts of the Commission given the limited time and resources available. When the Commission's mandate ended, it was receiving an average of 15 witness calls per day. Because the mandate ended, these people were unable to give statements. Further, the field investigation itself is incomplete. The Commission would have worked in Bosnia and Herzegovina and the Federal Republic of Yugoslavia had there been time and resources. Additionally, the investigation would have covered those countries with concentrations of refugees. In fact, the government of Turkey had invited the Commission to interview refugees there. There are about 18,000 refugees in Turkey. Thus, this investigation does not reveal the full picture and cannot purport to describe the full extent of sexual violence in the former Yugoslavia.

18. The present report is intended to accompany and introduce the records of the 223 interviews carried out on the Commission's behalf by the teams of interviewers in Croatia and Slovenia during March 1994.

B. The team

19. The Interviews Coordinator worked with the following key persons in implementing the project: Dr. Stephanie Cavanaugh, Coordinator of Mental Health personnel; Ms. Maja Draženović, Chief Interpreter; Dr. Sabina Negetović, NGO liaison officer; Mr. Thomas Osorio, Field officer; Ms. Nancy Paterson; and Ms. Elenor Richter-Lyonett, NGO Coordinator.

20. Particularly, warm appreciation is here expressed to Ms. Draženović and Mr. Osorio who worked with the Interviews Coordinator in the field for the entire period of the project (February to early April 1994). Their unfailing

professionalism, stamina and good humour made the project possible. Ms. Draženović's selection and recruitment of excellent interpreters for the teams of interviewers was crucial to the success of the project. Interpreters were selected--not only for their language skills, but for their maturity, capacity to empathise with victim-witnesses, and with concern for security of information.

21. The lawyers and mental health personnel gave up a month of their time to work as volunteers for the Commission and their dedication and commitment were evident. A complete list of those participating in the project is included in section F of this Annex.

22. A particular word of personal appreciation goes to Ms. Nancy Paterson, Coordinator of the legal team, and to the other lawyers who put in long hours of report writing after long days of interviewing. The professionalism of the team made them a pleasure to work with.

23. The work of Mrs. Bruna Molina-Abram, Deputy Secretary to the Commission, and Mr. Julio Baez, Assistant Secretary to the Commission, was greatly appreciated because, as with all field missions, the flexibility and support of the Secretariat were crucial.

II. METHODOLOGY

24. A number of fact-finding missions have been carried out in an attempt to assess the incidence and extent of the use of rape as a weapon of war in the conflicts in the former Yugoslavia, particularly in Bosnia and Herzegovina. 3/ These missions were primarily carried out for the purpose of publishing reports and increasing public pressure for an end to rape. The Commission of Expert's project goes further. This was the first time that the United Nations has conducted on-site investigations into rape as a war crime with a view to gathering information which may found prosecutions of the individuals responsible.

25. One of the aims of this report is to record the experience of the project for the benefit of future investigations.

26. The Chairman of the Commission of Experts decided that the project would take the form of a series of interviews, and selected the legal, mental health, and other personnel involved. The Interviews Coordinator was retained by the Commission from January to April 1994 and charged with the identification, location and selection of victim-witnesses for interview. Working within the parameters of what had been decided, procedures and approaches were created by the Interviews Coordinator to fulfil her role and implement the project. These procedures, and lessons that may be learnt from their application, are presented in this section.

27. The difficulties involved in investigations of war crimes in the former Yugoslavia, and particularly concerning rape, are notorious and should not be underestimated.

28. The United Nations Commission on Human Rights' Special Rapporteur Mazowiecki, who has a team of staff permanently placed in the area, has noted:

> "A persistent problem besetting attempts to chart the extent of the incidence of rape and other forms of sexual abuse remains the exceptional difficulty in obtaining reports of or investigating allegations. Hindrances include the continuing war conditions, the distress of victims and their fear of retaliation

> by or on behalf of the perpetrators, the dispersal of victims among other displaced people and, not least, the refusal of Bosnian Serb authorities to permit investigations in territories under their control. Also, reports of incidents of rape often only come to the attention of investigators many months after the incident has occurred." 4/

29. A number of other problems may be added to this list:

(a) the question of how to approach rape victims in a sensitive manner;

(b) how to combat "mission fatigue" among potential interviewees. Interviews have been conducted for a variety of reasons and by a variety of actors (resettlement officers, NGOs, fact-finders, journalists) and many people are jaded;

(c) how to ensure that the highly politicised nature of the subject among NGOs, individuals and governments does not impinge upon the independence and integrity of the investigation;

(d) how to counter the frustration and cynicism with which some people regard the United Nations in general and the International Criminal Tribunal in particular; and

(e) how to convince people that a project such as this is worth supporting with a little of their time (perhaps to contact potential witnesses or be interviewed themselves) when their people are still hungry and dying in Bosnia and Herzegovina and their relatives are in danger ("What are you going to do about what is happening now?").

With these problems in mind the following approach was adopted.

A. Briefings for the team

30. The Chairman of the Commission met with some of the team of lawyers and mental health specialists in Chicago on 29 January 1996 to give them an overview of the mission and to discuss their concerns. Prior to the team's arrival in Zagreb, the lawyers received copies of the reports of the main fact-finding missions, which had earlier been carried out by NGOs or inter-governmental organisations (including the United Nations) regarding rape in the former Yugoslavia. Also included were materials on the effects of Post-Traumatic Stress Disorder.

31. On their arrival in Zagreb, briefings for lawyers, mental health specialists and interpreters were held on 27 and 28 February and 1 March. Briefings covered the history of the conflicts in the former Yugoslavia and included a briefing on the military course of the conflicts by UNPROFOR Military Observers (UNMOs). Drs. Richard Rahe, Inger Agger and Soren Buus Jensen briefed the teams (including the interpreters) regarding the effect of post-traumatic stress on victims, and there was detailed discussion of interviewing techniques focusing on sensitivity to the mental health of the victim-witness. For the orientation of the teams, an introductory visit to refugee collective centres was arranged through a local women's group called Biser. The centres had been visited by a field social worker of the women's organisation.

32. Documents distributed at the briefings in Zagreb included background information on UNPROFOR and UNHCR and the Commission's list of known detention

camps.

33. The International Criminal Tribunal's publication of 11 February indicating its rules of procedure and evidence was distributed, as was a copy of the Commission of Experts mandate in Security Council Resolution 780 (1992). For the conduct of interviews, a check-list prepared by Ms. Nancy Paterson, Coordinator for the legal team, was discussed and circulated. In the discussion it was particularly emphasised that each lawyer must ensure that the interviewee understands the mandate of the project; that the information gathered will be forwarded to the Tribunal; and that the fact that they chose to speak with the Commission did not imply that they would agree in the future to testify before the International Criminal Tribunal. Lawyers were asked instead to obtain an indication from the witness as to whether in principle they would be willing to have the Prosecutor contact them in the future.

34. The interview process was conducted from 2 to 24 March. In an attempt to reach a diverse cross-section of victim-witnesses who were likely to have been victimised in different parts of BiH or Croatia, interviews were conducted in many different parts of Croatia. Teams travelled to Varaždin, Zadar, Osijek, Grubišno Polje, Kutina, Split, Slavonski Brod, Gašinci, Rijeka, Vinkovci, Novi Grad, Novska, Ivanićgrad and a core of at least three interviewing teams remained in Zagreb. In addition, two teams of interviewers worked in Maribor and Ljubljana in Slovenia.

B. Investigating rape in the context in which it occurs

35. While the project mandate was to gather information regarding allegations of rape, torture and mass killings, the lead focus was on rape and every person who wished to speak to an interviewer regarding rape was interviewed.

36. With that in mind, the project's approach was deliberately broad and aimed at protecting the safety and privacy of the victim-witnesses. To achieve that goal the project sought:

(a) to ensure that no interviewee had to identify themselves as a rape victim by deciding to speak;

(b) to ensure that both men and women who were victims of sexual assault would have the opportunity to give information;

(c) to reach those who either witnessed sexual assault or had leads; and, in particular,

(d) to place allegations of rape in the context of the torture and mass killings which frequently accompany them.

37. An illustration of this approach, with those details which would help identify witness-victims omitted, is the information gathered concerning one detention camp. Fifteen people were interviewed whose major allegations related to this camp. Some witnesses were men and all of the female victims had been raped. A number of the victim-witnesses had information regarding other war crimes--a number of the men had significant information regarding sexual assault. One man gave corroborative information about rapes in both this camp and another; one witnessed a woman die after being in a coma for a week as a result of repeated sadistic rapes; another saw prisoners forced to perform fellatio (in another prison). Among the information provided concerning other violations of international humanitarian law, 10 of those

interviewed from this camp had witnessed deaths by torture and seven of the group had survived or witnessed mass executions (either in that camp or in others).

38. By interviewing men and women it was possible to place rape in the context of the camp setting and obtain corroborative information from men. Similarly, while the women were primarily victims of rape, they had witnessed many of the atrocities against men and were able to re-enforce their statements. While a detailed analysis has yet to be done, by obtaining a wide variety of views of the camp from a wide variety of sources, it may be easier to assess whether the rapes were an officially sanctioned form of torture than if exclusively female victims were interviewed.

39. Analysing the links between camps is important for tracing superior responsibility beyond the immediate camp manager. This strengthens the investigation of rape cases and other crimes committed in, or in connection with, the camps by investigating their role in "ethnic cleansing." With this in mind, ex-detainees from camps where no women were held have been interviewed as part of this project. To give the example of the major detention camps of the Prijedor area: Keraterm, Trnopolje, Omarska and Manjača must be seen as links in a chain. Some people were detained in all four camps. An interesting line of inquiry might examine whether each of the camps in the chain had different functions vis-a-vis the other camps. It may be possible to show that these camps and the treatment meted out to prisoners in them formed a coherent whole, raising possibilities of superior responsibility, at least by omission.

40. This discussion is further developed in Part III below, Recommendations for Further Investigation.

C. The indirect approach to victim-witnesses

41. There are many and varied factors affecting the decision of victim-witnesses to speak. Many people prefer not to be interviewed. Safety is a major concern (see Section H) regarding security procedures, below). For example, many refugees and displaced persons have relatives still in conflict areas. In addition, some Muslims from Bosnia and Herzegovina who found refuge in Croatia, have felt vulnerable since the outbreak of the conflict between Muslims and Croats in central Bosnia and Herzegovina. Also, some people wish to concentrate on the future and put their experiences behind them; others cannot cope with the emotional distress of "re-living" the experience by the telling and there is an element of "mission fatigue" from repeated interviews by fact-finding missions and journalists. In addition, shame is an important factor in the decision of a rape victim to speak or not to speak. More than one rape victim first revealed their experiences to the Commission's interviewer, while their own families were not aware of their suffering.

42. Appreciation of the above-mentioned factors underlay the entire project. Therefore, the decision of each individual to speak, or not to speak, was fully respected.

43. In practical terms, this means that an indirect approach was used when inviting victim-witnesses to speak. At all times, even when a direct route to the interviewee was known (e.g. their telephone number), an indirect approach was used. The contact person who suggested the name of the potential interviewee (usually a friend, supportive NGO etc.) was asked to contact the individual to see if they would like to speak to the Commission. Individuals were always given the decision-making power and never put under pressure to speak. Thus, the risk of upsetting, shocking or disturbing people inherent in

a direct approach was avoided.

44. In order to implement the indirect approach, a broad range of contacts were established with individuals, NGOs and government agencies. This process, begun by telephone and fax from Geneva in January 1994 and intensified through meetings organised by the Advance Team in the area from 30 January onwards, continued throughout the interview process in March and as more leads opened up, even to the day of the departure of the Interviews Coordinator on 9 April. The number and range of potential sources of information should not be underestimated.

45. The mandates of the Commission in general, and of this project in particular, were explained to these contact persons. They were invited to inform potential victim-witnesses with whom they were in contact of the opportunity to provide information to the Commission. This dissemination of the invitation to contact the Commission, 5/ either directly or through the contact person, was achieved in various ways but especially through group and individual meetings with relevant contacts. These contacts included local mental health specialists, women's groups and their field workers, and Home Clubs. Those contacted include almost all the 186 individuals and organisations on the list prepared by the Interviews Coordinator in section D of this dossier.

46. The indirect approach was thus intended to respect the privacy of each individual. It also aided in the witness selection process (see d) below).

47. The advantages of the indirect approach are outlined above. It served the purposes of the project for those reasons but it was also necessary for a negative reason. A large-scale interviewing process, which used interviewers who were not (at least on arrival) familiar with field work of this kind, or sufficiently familiar with the context of the former Yugoslavia, meant that interviews had to be arranged for them. For those teams working in places with high concentrations of refugees and displaced persons outside Zagreb, the contacts were arranged in advance, 6/ but the witness selection was often done on the spot by the lawyer. Some of the lawyers had the judgement to select witnesses likely to provide good information and to treat others with sensitivity. Others found themselves "railroaded" into interviews of several hours with a person who provided mainly hearsay information, or who just wanted to chat. 7/ Although, of course, it is better to accept the "chat" than to insult the person, it is even more preferable in a project with very limited time to select experienced lawyers who can prevent themselves from being "railroaded" with sensitivity.

48. An interview process structured in this way may be useful for a preliminary gathering of information such as this, but further investigation requires teams with sufficient experience so that they can develop and follow their own leads.

49. Overall, the indirect approach was adequate for present purposes but is not recommended for in-depth investigation (see below, Part III Recommendations for further investigation).

D. Selection of witnesses

50. The Interviews Coordinator was charged with the identification, location and selection of witnesses.

51. A great deal of time was spent by the project team, in advance of the interviews, to explain the Commission's mandate and the project in particular.

This allowed people the time to consider whether this was an opportunity not to be missed to contribute information and seek justice for victims of war crimes. Gratifyingly, a large number of people were prepared to do so.

52. As outlined above, the indirect approach to witnesses and working with contact persons such as government agencies, NGOs and Home Clubs was also of assistance in ensuring that some pre-selection of witnesses was possible. Working with intermediaries familiar with the present circumstances of the victim-witness and who could provide at least the most basic information, such as where the person originates from or where they were detained, meant that interviewees could be scheduled who were the most likely to have good quality information regarding rape, mass killings or torture.

53. The selection of witnesses involves delicate and difficult judgement-calls, particularly where a large number of potential interviewees are identified. For example, once a contact person informs the Commission of the identity and location of a witness and of their willingness to be interviewed, it is a very delicate matter to explain a "refusal" to interview that person. Great care was taken to explain to all contact persons, that not all potential interviewees could be reached given the project's limited time and resources. Witnesses were never promised an interview which did not materialize, and NGOs etc., were encouraged to continue their valuable work and to send information directly to the Tribunal.

54. All victims of, or witnesses to, rape or sexual assault who wished to be interviewed were interviewed without exception. These interviewees went through no selection process at all. Where the contact person was an NGO specialising in supporting female victims of rape, it was usual for the interview to be scheduled without prior indication from the contact person as to the information likely to be provided. Sometimes only the general location of the event was known, either for security reasons or because the contact person did not have details.

55. In reflection of this focus, at the request of some women's groups, several lawyers were made available for as long as requested, to carry out interviews which would be confirmed very late the night before the interview or, not infrequently, on the morning proposed. As the Coordinator of the interview schedule, I am particularly grateful for the flexibility and patience which the lawyers and interpreters showed in facilitating victim-witnesses in ways such as this.

56. During the entire interviewing process, the schedule remained as open as possible, with lawyers not booked up too far in advance, to allow for the slotting-in of potentially key witnesses who might choose to speak.

57. Interviewees were also selected if they were likely to be able to provide corroboration (at least in part) of rape allegations. This was particularly the case where rape allegations were made regarding a detention camp where men were also detained (see the example of Omarska given above at b), regarding the investigation of rape in the context in which it occurs.

58. In cases other than rape, interviews were scheduled where mass killings or mass torture were alleged (the latter invariably in the context of detention). A great deal of effort was invested by the Interviews Coordinator in trying to assess the quality of the information provided by the contact person, in order to assess the kind of information likely to be given in an interview in advance of scheduling. This selection process was almost completely dependent on the indications given by the contact person in advance of the interview. Many contact persons had a tendency to exaggerate the importance of the information possessed by a witness and most were non-lawyers

who had great difficulty distinguishing between hearsay and first-hand information.

59. In summary, the selection process adopted for this project is an effective method of selecting witnesses if two conditions are simultaneously fulfilled:

(a) If the person selecting the witnesses is sufficiently familiar with the pattern of war crimes in Croatia and Bosnia and Herzegovina to know what kind of information to expect when a contact person suggests a witness from Dretelj camp, Zasavica village or who survived the Dalj massacre; 8/ and

(b) If the information provided by the contact person is in fact accurate. The "Preliminary Information from Contact Person/Interviewee" form was developed to record information known in advance of the interview concerning, in particular, the allegation the witness would make and what was known of their mental health before the interview. The form was also useful after the interview for comparing the information given by the contact person and the information the witness was in fact able to provide. Briefly, one of the disadvantages of relying on contact persons as the basis for selecting witnesses is that, in their enthusiasm, the contact person may exaggerate the extent of the witness' first-hand knowledge, or simply not understand the distinction between this type of information and hearsay.

60. These two conditions were not always simultaneously fulfilled and unfortunately, this is reflected in the high number of interviewees who provided primarily hearsay information. However, it should not be assumed that these interviews were not useful since frequently they provided valuable leads or eye-witnesses.

E. The trauma of victim-witnesses

61. Sixteen people from Bosnia and Herzegovina and seven people from Croatia who were interviewed were noted by the interviewer as showing obvious signs of distress. Despite this, some insisted that they wished to speak with the Commission and to testify before the International Criminal Tribunal if given the opportunity.

62. However, the number of victim-witnesses suffering post-traumatic stress was certainly higher than noted in the lawyers' reports. Appearances can be deceptive, and it is a common reaction among the various organisations and individuals interviewing victims of war crimes to express amazement at the "strength" of the interviewee. The "strength" may be an illusion, as was tragically confirmed by the suicide of a man who had chosen to speak with the Commission and to consider testifying before the Tribunal (see Part II, c) of this report regarding Kula Butmir camp, Sarajevo). 9/

63. In view of the danger of PTSD and its impact on witnesses the Plan of Action envisaged that the mental health team would have the following role:

(a) to liaise with their local mental health counterparts to assess what psycho-social support is available for any interviewee who wishes it (particularly those in private accommodation); to ensure that the possibility of stable and continuing support is made available to the interviewee after the project team is gone;

(b) to be available to the victim-witness before, during or after the interview at the request of the witness.

64. Although it was not possible to carry out the plan exactly as envisaged, 10/ the mental health team did play a positive role and, in some instances, their presence was important in cases where the witness was traumatised. The mental health team was particularly valuable in Split through their teamwork with the lawyers, helping in the identifications of witnesses and in making contact with their local colleagues who could provide follow-up services.

65. If future missions decide it is appropriate to have a mental health component, it may be worth considering tapping into local resources more than was the case for this project. They may be expected to have more direct knowledge of the traumas likely to be encountered. In addition, there are a number of non-local mental health specialists who have been working in Croatia and Bosnia and Herzegovina for some time who might be invited to contribute their experience to future teams.

F. Previous statements of a witness

66. In a number of cases it was learned that a witness had made prior statements. In some cases, such previous statements were made available to the Commission and are included in the dossiers, but they were not always received by the lawyer prior to the interview. Thus, clarifications of inconsistencies with previous statements were not always obtained in the interview. These statements were generally provided by the Medical Centre for Human Rights and the Croatian Information Centre (HIC). Sometimes, only the English translation of the Croatian original is given. It has been found that these translations are not always of the highest quality. In addition, an element of exaggeration may be found to have crept into the statement which was not present in the original, perhaps due to the audience targeted to read the English translation. Some witnesses indicated that they were not given the opportunity to read over or correct their statement given to the HIC.

67. Many victims of war crimes have had their stories published in the local or international press. These may or may not be accurate reflections of what the person experienced.

68. In these types of cases, the Commission's interview record may in fact be a prior consistent summary of the information the witness possesses.

69. However, although not provided to the Commission, several other contact persons have taken prior statements from at least some of the interviewees. This is the case with Trešnjevka Women's Group and with the associates of Catharine MacKinnon (a USA lawyer working with some of the local women's groups).

70. The interview records presented herewith are part of an information gathering exercise and are not intended as definitive statements by the interviewee. This will be readily apparent from the files. The record of the interview is a summary presented by the interviewer of their understanding of the translated information provided. These were not confirmed or corrected by the witnesses. Interviews were not recorded on audio or videotape, although it was considered in the planning stages of the mission. However, based on lengthy discussions with the legal team which has experience with these issues, on the concern expressed by the Acting Prosecutor of the International Tribunal and on the fact that some contact persons would have requested copies, it was decided that interviews would be neither video 11/ nor audio taped.

71. On 11 February 1994 the President of the Tribunal published a

preliminary indication of its rules of procedure and evidence. 12/ This was fortuitously published in advance of the commencement of the interviews process and allowed the procedure of the project to take them fully into account.

72. In light of the above, the interview records are not intended as definitive statements.

G. Problems with interviewing people who have already given statements available to the Commission

73. It is the view of the Investigation Coordinator that people who had already given statements which had become available to the Commission should not be interviewed again. However, there was no workable method of ascertaining, prior to the commitment to interview:

(a) whether or not a statement had been made;

(b) nor of checking whether it had already been received by the Commission; and if so,

(c) whether it was sufficiently detailed to be useful in the process of gathering information for prosecutions; and if not

(d) whether a copy of the statement would be made available by the witness (if they possessed one) or by the contact person.

74. Where interviewees have already given statements to another body, it is possible that some of these statements have already been made available to thehe Commission of Experts. It has not been possible to determine the extent of this in reality given that the earlier statement may have been given anonymously--as have some of the present interviews. In any event, a note of caution is sounded to those seeing corroboration where there is more than one statement--it may be from the same person.

75. For future investigations, while it is important not to duplicate effort, and it is extremely important to be aware of what information is already available, it is also important to be aware of the limits of what has been done. Large amounts of documentation and other material have been produced concerning violations of international humanitarian law in the former Yugoslavia, by innumerable sources. In order to use the information effectively, a reasoned assessment of the information available concerning any particular case should be made by lawyers working with the International Tribunal based, inter alia, on knowledge of the source's methods in gathering the information.

H. Security procedures

76. In the context of ongoing conflicts, it is hardly surprising that the most widespread concern among contact persons and interviewees is for the safety of victim-witnesses and their families who may remain in conflict areas.

77. The security of victim-witnesses and their families was a fundamental concern of this project. Interviews were carried out in as flexible a manner as possible to meet the wishes of the victim-witness. This included conducting interviews at secret locations in cases where the interviewee felt it necessary to do so.

78. While 20 interviewees from Bosnia and Herzegovina expressed concern for their safety and that of their relatives (many of whom are still in areas of conflict), as did eight interviewees from Croatia, it is likely that many other interviewees implicitly share this concern. Their agreement to testify before the Tribunal will be conditional upon these concerns being met.

79. The only security measure possible, at this stage of preliminary information gathering, was the option of anonymity and tight data protection. Many witnesses chose this course, but by no means all did. For this reason interview notes etc., were kept on the person of the lawyer who carried out the interview or in the safe at the Commission's Zagreb office until the typed-up interview records were definitively handed over to the Interviews Coordinator by the lawyer. It goes without saying that hotel rooms are not safe places for sensitive documentation.

80. On receipt of the completed files all indications of the identity of the interviewee were deleted. Not all interviewees specified that they wished to remain anonymous, but the consequences of information falling into the wrong hands are such that all efforts to protect victims and witnesses must be taken. In some cases the interviewee preferred to use his/her name. One victim of rape, a key witness, has long since decided that a public stance is her best means of protection from reprisal. Another interviewee provided the Commission with a copy of the records of the Belgrade Military Court which convicted him of war crimes. He agreed to its remaining in his file although it is impossible to use it without identifying him.

81. By contrast, for some witnesses it was a condition of the interview that there be anonymity from the outset.

82. The need to ensure, as far as possible, that these victim-witnesses may be contacted again should the Prosecutor wish to do so had to be reconciled with this need for anonymity to protect witnesses. In all cases where people wished to be re-contacted, a third party has been agreed to be the contact person for that witness. They agree to stay in touch with each other for the coming years so that the Prosecutor could, once again, find the witness (if the witness still agrees to be found). At the beginning of April the contact persons were informed by letter of the relevant codes of the Commission's interviews for future reference.

83. In addition, a master list has been prepared which relates the identifying information for interviewees to the code which we have allocated to their file. This list is presented under separate cover, should be carefully protected and should never be located with the files themselves.

84. While the security system that was used for this project served our purposes, those planning future missions should give thought to more permanent arrangements for the protection of documentation.

I. Conclusions

85. In sum, the broad approach to allegations, placing rape in the context in which it occurs, was a particularly successful approach and is recommended for future use. The indirect approach to victim-witnesses is helpful in protecting the privacy of victims and for the selection of witnesses, but only if two conditions are fulfilled. The indirect approach is necessary when a large-scale interview process is involved, but as an interviews-based approach, is not recommended. The indirect approach should be used on a case-by-case basis where contacting a potential source of information is particularly sensitive.

86. Overall, while imperfect, the methods adopted appear to have met the needs of the Commission's project--as evidenced by the fact that a large number of interviews were carried out and a number of key witnesses were identified for the consideration of the Prosecutor of the International Tribunal.

III. GENERAL COMMENTS REGARDING THE SUBSTANCE

87. The interviews are presented in 16 binders, clustered according to the area related to the allegations. Detailed analysis remains to be done regarding the interviews carried out. Reference should be made to the final report of the Commission of Experts which presents some of the illustrations of the five general patterns of rape (or sexual assault) drawn from the analysis of hundreds of rape (or sexual assault) allegations contained in the Commission's database.

88. The broad approach to investigating rape, torture and mass killings is discussed above (I B). The information gathered in this series of interviews should be integrated into the area of the Commission's work to which it is most closely related. For example, a great deal of information regarding detention camps and mass executions (particularly the Dalj and Lovas massacres) has been gathered. Information relating to Prijedor should form part of a coherent whole by integrating the information which was gathered here into the Prijedor Project.

89. This section contains some general remarks regarding the substance of the interviews conducted. Reference is made below to "key" witnesses. By this term is meant that the interviewer and the Interviews Coordinator have assessed that this witness has not only seen or experienced a great deal, but that the witness also has the emotional strength and clarity of presentation to play a pivotal role in a prosecution case.

90. Of the 223 interviews conducted, 143 related to alleged war crimes in BiH. Of these, 79 interviewees were women and 66 were men. Approximately 100 were Muslim; 37 were Croats; one was a Serb.

91. Among the 79 women in the group from Bosnia and Herzegovina, 19 had been raped in their own homes and 13 raped in the context of detention. A group of 17 men and women had been eye-witnesses to rape of sexual assault. Several of these people have been assessed as key witnesses.

A. Western Bosnia and Herzegovina

92. All allegations in this section are made against Serb forces.

1. Keraterm/Omarska/Manjača/Trnopolje

93. As outlined above in the discussion of methodology, no prior selection of places of allegation was conveyed to contact persons.

94. However, given that interviews were conducted in Croatia and the flow of refugees from Western BiH went mainly to Croatia or transited through Croatia, a considerable number of interviewees are from western Bosnia and Herzegovina, and particularly north-western areas. This information should complement the detailed study of the Prijedor area being conducted by Commissioner Greve.

95. Thirty-eight ex-detainees from the major detention camps of the Prijedor

area were interviewed. Many of the interviewees had been detained in more than one or all of these camps. For the purposes of analysis, the main place of allegation (most serious or most detailed allegations, or longest period of detention) is used. Thus the breakdown according to the main camp of allegation is: 15 witnesses from Omarska; three from Manjača; seven from Keraterm; and 13 from Trnopolje.

96. A number of victim-witnesses from Omarska were interviewed and all of the female victims had been raped. Most of the witnesses had seen deaths by torture and seven are witnesses to, or survivors of, mass executions.

97. One of the victim-witnesses from Manjača and two others from Keraterm saw guards forcing prisoners to perform fellatio on each other (two brothers were the victims in one case) or on the guard. Four of those interviewed appear to be survivors of the "Room 3" massacre. The lawyers who carried out the interviews have assessed four of the witnesses from Keraterm as key witnesses.

98. Among the victim-witnesses from Trnopolje camp, one was a victim of rape. Four other women saw women being taken out of the room for rape. One witness saw a woman shot in the room for resisting being taken out.

99. Some of the men from this series of camps were also transferred to the Old Hospital in Knin (usually for exchange) and they corroborate information given by interviewees who had Knin as the main place of allegation. This is particularly the case regarding civilians being allowed to enter the prison to beat detainees. Others were transferred to Batković where they corroborate reports of very high casualties forced to work on the front lines (usually digging trenches). In one case, three men survived out of a work-group of 40.

2. Kotor Varoš

100. Nineteen women from Kotor Varoš were interviewed. Six were raped, most often gang-raped by guards, in the saw mill there. The victims from the saw mill were interviewed through three different contact persons: a local women's group; a non-local, non-governmental individual; and a local psychiatrist. There appears to be excellent cross-corroboration between the stories, and some of the women were almost certainly at the mill at the same time, although there is some confusion with dates.

101. One victim-witness was 8 months pregnant at the time of the rapes. The first rapist said he wanted to try a Muslim woman while the second told her she should be honoured by what the Serbs had done to her.

102. Another soldier said he would make Četnik babies in Muslim and Croat women. This victim became pregnant and had an abortion as a result of the two rapes.

103. In a third case, the soldier who raped her told the witness he had been ordered to do so. The witness was assessed as highly credible, but may not wish to testify.

104. Seven other women interviewed saw up to 50 to 60 women and young girls chosen by flashlight and taken out at night. The women and young girls were taken there from the surrounding areas and their detention in large numbers (one estimate is 500) was generally very short--sometimes one night. Then the women and children detained would be sent to Travnik on convoys of buses. Few of these women can identify perpetrators. However, this is an example of how sources of information other than the victim-witness may be applied to the

question of who was responsible for the organized traffic of women through the saw mill and by bus to Travnik via Vlašić, etc.

105. One woman was detained by her neighbour near her village for six months. She was raped almost daily by three or four soldiers. She was told she would give birth to a Četnik boy who would kill Muslims. The soldiers repeatedly said their President had ordered them to do this.

106. Four of the women from Kotor Varoš had been raped in their own homes. In two other interviews, the interviewer suspected that the witness had herself been raped although she preferred not to speak of her own experience. One of the women, a Croat, raped in her home, gave evidence against the rapist in court and was told he had received a prison sentence.

107. Seven of the women interviewed had seen others taken out for rape in the saw mill or had met victims immediately after they were raped elsewhere.

3. Banja Luka/Kozarac

108. Thirty-four people (17 women and 17 men) from the Banja Luka and Kozarac areas were interviewed. Five of the women interviewed had been raped or sexually assaulted in their own homes, including a young girl who was raped while one of her relatives was cut so badly that he later died from his wounds. Two others witnessed sexual assaults outside the detention context. Three other persons were particularly well-placed and described in some detail the general atmosphere and events in the area. One man had been slashed with a knife all over his body by masked men in his own home. The atmosphere of terror in Banja Luka until the present time is vividly evoked.

B. Eastern Bosnia and Herzegovina

109. All allegations in this section are made against Serb forces.

110. Twenty-six witnesses were interviewed from areas such as Zvornik, Doboj, Modriča, Goražde, Bosanski Šamac, Foča and Brčko. Fifteen of these are women. One of the men may be an important witness to mass killing and torture (including deaths by torture) at Partizan Stadium, Foča. One of the guards played Russian roulette with the witness and two others, who were shot before the witness' turn.

111. One woman was detained in a private house with a number of other women for six months (lack of detail is for the protection of the victim-witness). This was a rape camp run by Serb forces. Most of the women were not Muslim. All the women would be raped when soldiers returned from the front line every 15 days. The witness was told that the women had to do this because the women in another camp (which the witness names and which has been documented by other information gatherers) were exhausted. This witness gives excellent leads for further investigation but is very traumatised herself.

112. Another woman was repeatedly raped by soldiers in a private house in Bijeljina over two days; two women were raped in private homes in Doboj. The cases in Doboj, and the women raped in private homes in Kotor Varoš, illustrate the difficulties involved in trying to prosecute for rape outside the detention camp context. The victims can usually give very little identifying information about perpetrators. The event is so shocking that the victim has no time to reflect on anything, such as physical descriptions. One woman witnessed the rape and murder of her mother in their home.

113. Another victim-witness is able to identify the six soldiers who raped her in her own home because they were all her neighbours.

114. From the area of Modriča there are references in three interviews to the village of Zasavica, which may have been used as a detention centre for women. Information is mainly hearsay regarding allegations of sexual assault there. A third interviewee, a potentially important witness, gave a list of 26 men who are alleged to run that detention camp.

C. Other areas of BiH

115. A key witness was detained with his family in Kula Butmir, Sarajevo. He was forced to watch while groups of guards raped and sadistically tortured his wife and two daughters (aged eight and 13 years old). This occurred daily until on the fourth day the younger daughter's throat was cut in front of him. The witness was chained at the legs and guards beat him to force him to watch, breaking both his legs. On the sixth day his elder daughter's throat was cut. His wife survived until the 13 day, when her throat was cut. The man committed suicide by hanging himself on 7 April 1994.

116. One victim-witness saw an elderly woman and others raped in front of a group of 100 detained villagers on Ozren mountain, in the area of Derventa. The witness was herself threatened with rape and she saw a number of men from the group having their throats cut. Another victim-witness from Ključ names the two soldiers who raped her in their own home.

1. Croat Perpetrators

117. The following allegations are made against Croat forces. All the victims of Croat forces who were interviewed are Muslim, with one exception. A Serb woman who was interviewed was raped by a Croat soldier in her home near Capljina in October 1993.

118. Two other women were taken from their house and raped by two Muslim and two Croat soldiers in a cafe. One of the witnesses became pregnant and had an abortion.

119. A young Muslim woman was taken from her home to a house full of HVO soldiers where she was raped five or six times. The first rapist said he was doing this because she is Muslim.

120. One woman was detained and taken 1km from the prison to be raped by four guards while others looked on and encouraged them.

121. A boy was interviewed by one of the lawyers who has specialised in prosecuting child abuse cases. The boy was detained for a total of four months, including three months at the Heliodrome in Mostar. At an earlier place of detention, the boy was himself beaten and saw others die after beatings. The boy was forced to bite the ear off a man who died the next day, and was used as forced labour on the front lines. This information is strongly corroborated and amplified by a key witness who was detained in the same two camps at around the same times. Six other interviews were also conducted with ex-detainees from the Heliodrome in Mostar.

2. Muslim Perpetrators

122. The following allegations are made against Muslim forces.

123. In Bihać, a Muslim woman was raped by a soldier from the Fifth Corps as she tried to cross the front line to reach Mr. Abdić's forces.

124. Two ex-HVO Croat soldiers were interviewed. One was detained at Musala Konjic where 300 prisoners were detained. The witness (and others) were forced to perform fellatio on the guards or on each other. Prisoners' pubic hair was set on fire. This may be a key witness.

D. Croatia

125. The following allegations are made against Serb forces.

1. Knin area

126. Fifteen Croat witnesses were interviewed from the Knin area. All 12 of the men had been detained at the Old Hospital there. One witness, who was detained in five different places over a period of 14 months, told of suffering electric shocks to the scrotum at the Old Hospital and of seeing a father and son who shared his cell forced by guards to perform oral and anal sex with each other.

127. Two other witnesses overheard other prisoners being forced to perform fellatio on each other. One witness was ordered to do this but managed to refuse.

128. Another witness suffered a mock execution, an elaborate hoax which built up over three days, another suffered a mock throat cutting. Most of the witnesses corroborate the allegation that civilians from outside the prison were allowed inside to beat prisoners. One witness describes it as "like a zoo" and small children and women would come in and be encouraged to beat the prisoners while the guards held guns on them.

129. Of the three women who were interviewed from the Knin area, two are in their sixties. Two of the women were raped in their own homes and the third woman suffered an attempted rape (in her own home) and survived being shot in the head during the attack. The perpetrators all cursed "Ustašis" during the attacks.

2. Sremska Mitrovica/Stajićevo/Begejci 13/

130. With the Old Hospital in Knin, these three camps were apparently the main ones for Croats captured around the Vukovar area. They were linked in much the same way as the four main camps in the Prijedor area, and some prisoners were detained in more than one of them. Other links in the chain of camps where some of the victim-witnesses were transferred, were prisons in Belgrade and Niš in Serbia. The common refrain throughout all the camps is of continued severe beatings.

131. One woman who was detained in a camp was forced to perform fellatio on a guard all night, every night. Other women were there but the witness was apparently the only one tortured in this way. One man was kicked in the testicles 40 times a day to "prevent him from making another Ustaša". Prisoners were forced to beat each other and the witness saw an 80-year old man and four others die from beatings. Another witness has studied the camp since his release and may be regarded as an expert on that particular camp.

132. An officer in the Croatian army who surrendered his unit on the fall of

Vukovar saw the execution of a large number of his men after surrender. He knows the location of the mass grave and should recognise the perpetrators. He was detained and beaten "almost to death." He was also given electric shocks to the genitals and is now impotent. In a second camp he saw the rape of six women. Another interviewee tells of witnessing the rape of a woman by five guards in the same place of detention. The women were also sexually abused by female guards.

133. Another witness was detained in Stajičevo, an open warehouse, in minus 10 to 13 degrees. He saw seven or eight prisoners beaten to death days before the visit of the International Committee of the Red Cross.

134. Eight men were interviewed whose main place of allegation was one of the detention camps. Their periods of detention were commonly around six months. One of these witnesses had seen a man castrated. In one case the contact person had informed the interviewer that the man was sexually assaulted, but the witness denied this in the interview. General conditions included very regular beatings and torture such as mock executions or being forced to eat a bowl of salt.

135. One of the victim-witnesses who was detained in a certain camp (detail omitted for protection of witness) was a religious leader who was beaten in front of other detainees and who saw men beaten to death with a special implement (nails sticking out of a board). Other prisoners were forced to lick the blood off another's body. Prisoners were apparently beaten according to a list.

3. Vukovar area

136. Ten people were interviewed from the Vukovar area (excluding those relating to the massacres in the section below).

137. One woman was gang raped by eight men in her own home, in front of her sister and her daughter. One of the soldiers was forced at gunpoint to rape her because "she was an Ustaša." The witness reported the rape to the authorities who said they could do nothing because of her ethnicity. Seven of the perpetrators were apparently questioned at the prison but released after three days. A 67 year old woman from Vukovar survived being raped in her own home on two successive nights and being shot in the head by the perpetrator.

138. Another woman was detained with several thousand others at Velepromet. She was beaten unconscious and her seven year old daughter taken away (still missing). While at Sajmište brickyard (during half an hour), she saw three executions and a pit with about 1,800 bodies in it. She also witnessed the public gang rape of a woman who was an army sniper. Another witness tells of overhearing a castration while in detention.

139. One man tells of seeing Arkan in his village ordering soldiers to beat the prisoners in the genitals.

140. One woman's home was taken over by neighbours and used as a detention centre for interrogations over several months. She was raped almost daily and beaten for several months; two other women were raped there too. She saw several killings and torture. With preparation, this could be a very important witness.

4. Other areas of Croatia

141. While in detention, a witness relates how men were forced to perform oral sex on each other. One incident involved prisoners lined up naked while Serb women from outside undressed in front of them. If any prisoner had an erection, his penis was cut off. The witness saw a named Serb woman thus castrate a prisoner.

E. Mass executions

142. Among the mass killings information received, there are allegations of a massacre in November 1991 (detail omitted for protection of witnesses) where soldiers divided their victims into groups and chose a method of execution for each group: the witness saw a woman being de-capitated, nine people executed with a chainsaw, seven by machine-gun, and six by slitting their throats.

143. Seven people were interviewed from Lovaš. A group of 60 men were forced to hold hands and cross a minefield. Ten men were killed by mines and a further 10 were shot in the back. The men give many leads for other (and possibly better) witnesses.

F. Factors in assessing the interviews 14/

144. From the 143 interviewees with allegations relating to Bosnia and Herzegovina, 13 were assessed as offering only hearsay in the interview; 48 were assessed as having very limited information. This is about one third of those interviewed. However, this process of sorting out the chaff from the wheat is inevitable and the project yielded a number of key witnesses who may be considered by the Prosecutor of the Tribunal.

145. Very few of the 223 interviewees were regarded by their interviewer as incredible. The vast majority of victim-witnesses were highly credible. However, the following factors might be considered useful in assessing interview records:

(a) Even assuming the best intentions in the world, most refugees have nothing to do all day but re-live and re-tell their experiences (although some are too traumatised for this). This is so common that children have been traumatised by the conversations of the adults around them. It may be expected that these conversations involve comparisons of suffering with the danger of embroidery in the telling. "Mission fatigue" and over-interviewing of victims carry their own dangers of distortion. This is particularly so as the majority of recorded rapes seem to have been carried out in summer and autumn of 1992, about 13 months ago.

(b) The witness selection process (above) encourages NGOs and governments, etc. to help identify potential victims and to encourage them to give testimony. Again, even assuming the best intentions in the world, the encouragement to testify could take the form of: "You may be able to help them prove that it was systematic" and lead over-keen witnesses to add elements to prove "policy" that were not in fact the witness' real experience; or to add elements of someone else's experience to their own. Rumour, misinformation and propaganda are rife and readily believed.

(c) The question of rape, systematic or otherwise, is a highly charged political issue. Some of the organisations working with victims are not independent of their governments or have a political agenda which colours their view of the truth.

(d) In addition to political reasons, there are other powerful incentives for distortion or exaggeration. Groups working with victims are justifiably outraged at their suffering. Furthermore, NGOs working with victims have one thing in common, whether in the former Yugoslavia or in third asylum states: shortage of funds. It is simply in the interests of these groups to maintain public outrage and pressure for those they are trying to help. The Interviews Coordinator was told by a rape victim that she had added other names to a list of women who were raped with her in order that they could also get funding through international NGOs. These women had also suffered enormously and she understandably wished to help them.

(e) Interviews were conducted by an Interviews Coordinator and a team of lawyers who did not have the opportunity of a detailed briefing from the Prosecutor regarding his intended approach as well as his and, (if it is known) the judges' views on the interpretation of the Statute of the Tribunal, particularly regarding the elements which have to be proven to constitute a Crime against Humanity or a grave breach of the Geneva Conventions. The interviews were almost certainly less effective without this kind of detailed guidance.

(f) Complex legal issues are raised by the situation of several of the witnesses who were themselves tried and convicted by military courts for war crimes during the war in Croatia. Court documents were provided by one man and are included in the file. Some of these convictions were apparently based on confessions extracted under torture in detention. Before serving their sentences, these prisoners were exchanged. Some of the men involved would make very good witnesses but clarification of how these convictions would impact their potential as witnesses, if at all, would appear to be necessary.

(g) Interviews were conducted by highly qualified professionals but their lack of long-term familiarity with the patterns of violations of international humanitarian law in the former Yugoslavia meant that requisite detail was not always obtained in the interview.

146. Given the circumstances outlined above, the interviews carried out in this project should be built upon in further investigations.

147. For future investigations, the Prosecutor has some control over some of these factors and can minimise their damaging effects by his decisions, particularly b), e) and f) above. Some of the recommendations below may assist.

G. Conclusions which may be drawn

148. The information being gathered by states hosting refugees (other than Slovenia and Croatia) must be evaluated together with these interview records, as must all other information already received by the Commission.

149. The interviews have highlighted areas where further investigation is needed for the identified potential prosecution cases.

IV. RECOMMENDATIONS FOR FURTHER INVESTIGATION

A. Ratione materiae

150. A detailed analysis of camps and the relationships between them as well as an in-depth investigation of priority cases in eastern Bosnia and Herzegovina should be considered, for the reasons set out in the following

paragraphs.

151. An enormous quantity of information has been gathered regarding violations of humanitarian law in the former Yugoslavia, but it is of very uneven probative value.

152. In view of the urgent need to move towards evidence of high probative value, the International Criminal Tribunal may wish to concentrate its (limited) resources on priority cases for investigation in different areas of Bosnia and Herzegovina. 15/ In view of the problems of evidence which arise regarding those raped outside a detention context, it is suggested that priority be placed on investigating allegations of rape in detentions. Unless a great deal of investigative resources are invested it is unlikely that rapes outside the detention camp context will, of themselves, reach the threshold of grave breaches of the Geneva Conventions or Crimes against Humanity, as required to bring the cases within the jurisdiction of the International Tribunal. The links between these cases in different regions may then be examined to assess whether there has been a policy to commit rape or other crimes or a policy of omission which goes beyond the local level. 16/

153. It is regarded as important to analyse the links between camps for tracing superior responsibility beyond the immediate camp manager. This strengthens the investigation of rape cases and other crimes committed in, or in connection with, the camps by investigating their role in "ethnic cleansing." With this in mind, ex-detainees from camps where no women were held have been interviewed as part of this project. For example, the major detention camps of the Prijedor area: Keraterm, Trnopolje, Omarska and Manjača must be seen as links in a chain. Some people were detained in all four camps. In addition, prisoners from these camps have been transferred to Knin and later to places in eastern BiH, such as Bijeljina and Batković, where many spent a year or more in detention. There are many such chains of camps which also formed clear patterns during the war in Croatia. This was the case with places of detention such as Velepromet (Vukovar), Sremska Mitrovica, Stajićevo, Begejci and sometimes Belgrade military prison.

154. An interesting line of inquiry might examine whether each of the camps in the chain had different functions vis-a-vis the other camps. It may be possible to show that these camps and the treatment meted out to prisoners in them formed a coherent whole, raising possibilities of superior responsibility, at least by omission.

155. This aspect of the organisation of "ethnic cleansing" would undoubtedly reward further analysis by those seeking to trace command responsibility.

156. As will be seen from a glance at the Summary Sheets in sections H and I of this dossier, transfers of prisoners were frequent and often large-scale, involving perhaps hundreds of prisoners and convoys of buses. In general terms, it seems that prisoners were transferred when a camp became too over-crowded or when new arrivals of prisoners were expected. A study of the camps as links in a chain could also trace how prisoners are alleged to have been executed or transferred in advance of an ICRC visit or were hidden from such visitors. This may, or may not, reveal knowledge possessed by superiors of atrocities occurring in camps. 17/

157. Many detention camps in Bosnia and Herzegovina were "local" camps. They were or are local in the sense that people from the immediate surroundings were rounded up and detained there, and because those running the camp were generally from these same localities. Victim-witnesses are not just able to identify perpetrators from photographs, but they are also able to provide full names and personal biographies of the perpetrators. In some cases, video and

photograph material, as well as books and articles, exist concerning detention camps.

158. Relatively high quality information has been gathered about the North West of Bosnia and Herzegovina. The present investigation has contributed to this through the 38 interviews conducted with ex-detainees from the four main camps in the Prijedor area, as well as other interviews with people from other parts of the north-west. The main reason for the high quality of information available is the direction of the flow of refugees from this area. People fleeing North West Bosnia and Herzegovina generally transited through Croatia or remain there now. On arrival they were met by a large number of fact-finders and journalists who interviewed them and documented their stories. In particular, ex-detainees were speedily re-settled through Karlovac transit camp in Croatia to third states by the UNHCR. In these host states there have been various initiatives to document their stories, for example, the interviews which Medecins Sans Frontieres carried out with the ex-detainees and their families from the Kozarac area who had been resettled in France (involving hundreds of people).

159. By contrast, information regarding detention camps in eastern Bosnia and Herzegovina is relatively poor, in both quality and quantity. The pattern of the conflicts in the east meant that large numbers of people were displaced towards central Bosnia and Herzegovina (Tuzla pocket, Zenica) and the enclaves (now particularly Srebrenica and Goražde). In these areas, displaced people continue to live in emergency mode, with supplies of food still precarious and with intense fighting occasionally flaring (as is presently the case in Goražde).

160. Others forced to leave their homes in eastern Bosnia and Herzegovina travelled through Serbia or Montenegro and found their way to perhaps Hungary, the Czech Republic or Slovakia.

161. Neither of these two broad flows of displaced people or refugees from east Bosnia and Herzegovina were met by the battery of international journalists and fact-finders that greeted refugees from north-west BiH in Croatia. In the Government-held areas of BiH, the State institutions (including war crimes commissions) and some providers of psycho-social support have been working under extremely difficult conditions to document the experiences of rape victims. They often lack the most basic tools for their work, such as paper, computer diskettes, electricity, fuel for cars in order to travel to victims, etc.

162. Even though the information regarding the east is relatively poor, it must be used as a basis from which to start and future missions should be familiar with what has been done. Priorities for additional investigation are identifiable.

163. The section below, ratione loci, presents a rough guide to where people from areas with a high concentration of rape allegations can now be found.

B. Ratione loci

164. The following are some broad indications of where displaced persons from eastern BiH can be found. There are large concentrations of victim-witnesses in some of the places who have never been interviewed:

165. In Tuzla there are people from Bratunac, Cerska, Konjević Polje, Zvornik, Bijeljina, Bosanski Šamac, Janja. Many from Foča, Višegrad and Čajniče and Eastern Herzegovina (Ljubinje, Gacko, Trebinje, Bileća, Nevesinje)

went through Sandžak and onward to Turkey (mainly Istanbul, Ismir and Bursa). Goražde hosts many displaced people from the Drina area, particularly Foča, Višegrad, Čajniče, Ustikolina, Ustiprača. Orašje received many people from Bosanski Šamac. In Gonji Rahić there is a very large population of persons displaced from the town of Brčko and the Posavina corridor area, just across the front line. There are indications that the number of rape victims still in the area of Gornji Rahić and surrounds is in the hundreds.

166. For mainly western Bosnia and Herzegovina, an important source of displaced persons is the Bihać pocket (in Bihać and Cazin), where there are many people from Prijedor, Kozarac, Sanica, Ključ, Bosanski Novi, Sanski Most, Bosanska Krupa. These people tended to leave via Travnik or Bosanska Gradiška and a large number of people from these areas are now in Germany, Austria (Graz) and in the Gapčikovo camp on the Danube, on the border between Hungary and Slovakia. More Prijedor and Kozarac refugees who had remained in Croatia have now left for Norway and Sweden.

167. Of all these locations, the only two which present security problems at the time of writing (12 April 1994) are Goražde and some parts of the Bihać pocket.

C. Ratione personae

168. The lawyers involved in phase I of the Commission's project were highly-qualified professionals for whom everyone involved had a great deal of respect and who were a real pleasure to work with. However, their familiarity with the allegations of war crimes from particular areas was limited, a familiarity which can only come with time. The result is, as is apparent on the face of a number of interview records, that potentially important details were not obtained in the interview because the lawyer did not realise the significance of what she was hearing.

169. Investigators for future missions should preferably be deeply familiar with the missions carried out on the subject previously--the actors involved, the politico-military context in which the rapes occurred--as well as the politico-military context in which the investigation is being carried out. It would be most beneficial if the lawyers involved in the preparation of a case were themselves active in the investigation process. This would greatly enhance a prosecutor's ability to argue points of detail.

170. The number and range of potential sources of information should not be underestimated. The list of contacts included in this dossier should be of use to the Prosecutor but it is by no means complete. 18/ In order to use that list effectively, the user must be familiar with the reality behind the names and telephone numbers. It cannot be emphasised enough that the investigators must know who to ask for what information, whether it is a sensitive question and whether the answer is likely to be reliable.

171. Relevant international actors include the UN Centre for Human Rights, ECMM, ICRC and UNPROFOR. However, the most detailed knowledge is, not surprisingly, to be found with local contacts. In these cases the personality and advance preparation of the investigator are crucial. Local contacts like to know a person before they will open up with what may be sensitive information. An afternoon drinking Loza (a strong local spirit) and coffee is a method commonly used for this. An informal and personal approach to Home Clubs, for example, will open more doors than a more official style. As mentioned elsewhere in this report, many refugees in Croatia feel vulnerable and for some, authority remains a source of fear.

172. In the experience of the Interviews Coordinator, the most important element in this confidence building is being able to converse easily on the minutiae of the conflict in the area where the new contact comes from. This is also true when the problems in carrying out investigations in the former Yugoslavia (mentioned in the opening paragraphs to Part I on methodology, above) are recalled. The cynicism mentioned there could be very easily increased, as ignorance on the part of an investigator would not inspire confidence either in themselves or in the International Criminal Tribunal.

173. Investigative work for the International Tribunal will involve personal risk to investigators from the parties opposed to the work of the Tribunal. This is particularly the case for those who will work in Croatia or Bosnia and Herzegovina, whether before or after peace settlements. A certain amount of risk is inherent in the nature of the work, but it is greatly increased if personnel inexperienced in the complex peculiarities of the former Yugoslavia are used for field work. This point was very simply put 19/ by the Chief of the UNPROFOR Military Observers: "If you say the wrong thing, in the wrong place, at the wrong time--you're dead."

D. Ratione temporis

174. Future investigations should be carried out by teams of lawyers and interpreters on a long-term, low-key basis, with an emphasis on work in Bosnia and Herzegovina and key asylum states.

175. Several months should be available for following up on leads which would be created and cultivated by the teams wherever necessary. Flexibility regarding travel arrangements would be essential.

176. In seeking to prove responsibility of superiors by omission, it is suggested that an important element in investigations should be the length of the period over which violations continued to occur. For camps in Bosnia and Herzegovina, a close study of the ICRC's access to camps would probably yield interesting results. This information is among that which the ICRC is willing to publish. A study could look at: the dates of commencement of registration of detainees in a particular camp, the frequency of following visits, obstacles put in the way, the procedure used by the organization to negotiate access, who had the power of decision in any particular case, and how they exercised this power. Power implies responsibility.

E. Implementing these recommendations

177. The approach of a large-scale interview process does not have the inherent flexibility necessary to carry out an investigation on a vertical, case-focused basis necessary for founding prosecutions. 20/

178. Small investigation teams consisting of a lawyer and an interpreter should specialise in investigating specific areas where the focus cases occurred. These teams should remain small, highly mobile and have the flexibility to pursue leads wherever they may be or whatever form they may take. This will involve extensive low-key work building relations of trust with victims and contact persons in Bosnia and Herzegovina and elsewhere. The merits of gathering information through simply talking to people on the ground should not be underestimated. In the context of rape, the best information is often received on the basis of personal endorsement of the interviewer by an intermediary (usually a person or organisation providing psycho-social support) close to the victim.

179. The discussion in Part I above regarding selection of witnesses might suggest the conclusion that better ways should be found to assess, in advance, the information likely to be provided in an interview. However, in practice, this will rarely be possible. The investigation should therefore not be approached from the perspective of the interview, but of meeting and talking with contact persons. The question of an interview should not even be raised until it emerges from informal conversation that the person involved possesses the kind of first-hand information needed for the investigation.

180. Close co-operation between the investigators and the Witnesses and Victims Unit 21/ of the International Tribunal would be essential to allay the fears of, and provide support to, would-be witnesses.

F. Presence in the area

181. A number of people in Croatia, BiH and FRY are working for peace with justice and support the work of the International Criminal Tribunal. Many of the contact persons who assisted the Commission's project were not lawyers but took statements from victims and witnesses. Their work in gathering information for possible prosecutions of war criminals should be built upon.

182. In practical terms, consideration should be given to the establishment of offices in the former Yugoslavia with a staff of one or two persons. These offices would, inter alia, be charged with making contact with such people and, where appropriate, guiding their efforts to assist the Tribunal in information gathering. This may involve disseminating basic guidelines for the taking of statements from victims of, and witnesses to, war crimes. These guidelines would also be helpful to host-states carrying out interviews for resettlement, embassies screening resettlement applicants, as well as for intergovernmental and non-governmental organisations.

V. CONCLUDING REMARKS

183. The interviews should be seen as a beginning. It takes time for people to be convinced that the process of prosecuting war criminals is really taking shape and for people to consider coming forward to provide information. It also takes time and commitment to create the atmosphere of trust necessary to enable them to do so. The project team invested a great deal of time and energy in this. As the interview process was coming to an end after only three weeks, it became clear that the project was snow-balling. More and more people were hearing about the interviews, seeing that it was a reality and that it was working well. More and more people approached the teams in Rijeka, Split, Osijek and Zagreb to contribute to the process.

184. However, the time limit on the project meant that not all those who decided to speak could be interviewed. A very positive beginning has been made which the International Criminal Tribunal may build on.

185. The process of raising awareness of the possibility of giving information for prosecutions of individual war criminals has begun and has reached a wide audience through the government, NGO, refugee and displaced person's communities. The message was clearly received and understood in view of the number of people approaching the team in the final stage of the interviews. This alone may be expected to benefit the prosecution process enormously.

186. One of the most important aspects of the project has been creating an atmosphere of trust and respect for the victim-witness. Many interviewees

conveyed to the teams that they felt they and their suffering had been acknowledged by having it recorded by the United Nations, regardless of whether they are called to testify.

187. Every individual and organisation which was contacted by the project team received a letter thanking them for their support and encouraging them to continue the work of gathering information by addressing themselves directly to the Tribunal. The address, telephone and fax number at the Hague was drawn to their attention. Those wishing to speak must not feel that they have missed the only opportunity they will have to make themselves heard.

188. The project has encouraged witnesses to consider the Tribunal as a real possibility. This is no small achievement considering that a great deal of doubt has been cast on the effective functioning of the Tribunal.

189. The majority of victims and witnesses interviewed were willing to be contacted later by the Prosecutor and would consider testifying before the Tribunal. A significant number of the interviews conducted should provide the basis for possible prosecutions.

190. The interviews have also highlighted areas where further investigation is needed. Some of the project's local contact persons say that they now understand the importance of direct information, as opposed to hearsay. This has been a learning process for all involved.

191. Despite the scale of the suffering, many people still have the capacity to trust and to hope that something may really be done to bring perpetrators to justice. This is a sign of hope for the future and for reconciliation. The hope represented by these 223 interviews involves a responsibility to build on their information and to ensure that the Tribunal is successful in bringing justice to victims of war crimes.

Appendix I

PLAN OF ACTION

I. EXECUTIVE SUMMARY

192. The Commission of Experts was established by the Security Council in October 1992 to obtain and analyse information on violations of International Humanitarian Law in the former Yugoslavia. The following is a brief summary of the Plan of Action, as approved by the Commission of Experts at its Ninth Session during its meeting of 15 December 1993.

193. Through this Plan of Action, the Commission intends to gather evidence and to report its findings through the Secretary-General to the Security Council in accordance with its mandate. The primary goal is to produce specific evidence for the report of the Commission which may also be used for prosecutions and to identify possible patterns and policies.

194. The investigation will encompass violations of international humanitarian law against the person including extrajudicial executions, torture and other violations of international humanitarian law particularly in detention camps. Special emphasis will be given to allegations of sexual assault.

195. A more precise focus will be on the region of Prijedor-Banja Luka, Foča, Brčko, Doboj [the "Prijedor component"]. This Plan will be developed later.

196. Phase I of the investigation will take place from January to March 1994 in the former Yugoslavia. During that period, teams of interviewers will travel from their base in Zagreb to wherever witnesses and victims may wish to testify. It is fundamental to the work of the Commission that it welcomes testimony from any person, whether man or woman and regardless of their ethnic origin. Interviews in Phase I will be conducted in Croatia (including the UNPAs), Slovenia, and FRY (Serbia and Montenegro). For reasons of security of witnesses, interviews will not be carried out in BiH at this stage.

197. It is envisaged that Phase II will involve interviews in asylum countries (other than those of the former Yugoslavia) later in 1994. The Commission is in contact with 15 such host states in the hope that their refugee communities may also have the opportunity to give their testimony to the Commission. It may be that some elements of Phase II will be conducted in parallel to Phase I, if states request that interview teams be sent earlier (such as is the case with Turkey). Interviewers for Phase II will be selected from those involved in Phase I (and others) to visit asylum states, according to the specific approach to be adopted with each host state.

198. The interviews in Phase I will be conducted by lawyers experienced in violent crimes and particularly in violent sexual offences. All those involved in the interview process, including interpreters (who will be specially selected), will be suitably qualified and impartial women under contract with the Commission.

199. Throughout the investigation, the interest of the victims and witnesses is paramount. Particular attention will be paid to their physical and psychological well-being as well as to their personal security and the confidentiality of any information they may provide. Interviews will only be conducted with the consent of the witness-victim.

200. A highly qualified group of mental health specialists (including psychiatrists and psychologists) with experience of post-traumatic stress will be contracted by the Commission. This group of experts, consisting mainly of women, will be available to the victim-witnesses as they wish before, after, and possibly during, the interview. Once interviewees have been identified, selected and located, the mental health volunteers will liaise with local mental health professionals to ensure that post-interview counselling will be made available to each interviewee. These volunteers will also assist in briefing the interviewers and will develop a protocol to apply to all interviews in Phases I and II. The mental health professionals will research and prepare a report on possible patterns of mental health problems involving, where appropriate, statistical analysis of the widespread nature of the phenomenon. Their role will be completed in Phase I.

201. The preparatory work for Phase I will be carried out by the Interviews Coordinator (a lawyer with field experience to be retained by the Commission) who will remain with the Commission for the three month period of the entire project and report on the investigation to the Commission and the NGOs Coordinator. They will carry out intensive planning of the schedule of interviews from Geneva throughout January 1994, followed by 10 days of in-region planning (from 30 January). They will be accompanied in the field by two Commission staff persons; one Chief Interpreter; one Assistant for Serb-language areas; and one mental health professional. This period will be followed by 20 days of interviews with witnesses/victims (from 10 February) carried out by 10 teams of interviewers. The report of the investigation will be finalised by the Interviews Coordinator in Geneva by the end of March.

202. For the selection and pre-briefing of interviewers, a meeting is tentatively scheduled in North America approximately two weeks before the arrival of the interviewers in Zagreb. In addition, intensive briefings for interviewers and interpreters will take place in Zagreb for three days prior to the interviewing.

II. INTRODUCTION

203. The Interim Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992) (UN Doc S/25274-[10 February 1992], at Annex I) [First Interim Report], indicated that the Commission intended to engage in selective in-depth investigations in a number of areas (first Interim Report, at paragraphs 65 and 66). Among these was sexual assault.

204. The Commission reiterated the importance of this objective in the Interim Report of the Commission of Experts Pursuant to Security Council Resolution 780 (1992) (UN Doc S/26545 [6 October 1992], at Annex) [Second Interim Report], and signalled its intention to undertake specific investigations and to conduct victim and witness interviews (see Second Interim Report, at paragraphs 9 to 11).

205. The Commission determined that the investigations would be conducted in the former Yugoslavia, as well as in other states where refugees from the hostilities are located [asylum states]. Pursuant to the latter, contacts with representatives of the Governments of the asylum states, and of a number of intergovernmental organizations [IGOs] and non-governmental organizations [NGOs] operating in the asylum states and elsewhere have been made.

206. On 6 October 1993, the Commission sent a letter to the Governments of a number of asylum states, thanking those Governments for their ongoing co-operation with the Commission and informing them that it intended to dispatch a team in the near future to those states. The aim of such a team would be to

carry out interviews to gather evidence of alleged violations of international humanitarian law in general, and of sexual assault, in particular. Finally, the Commission requested such Governments as have already conducted interviews to forward the results of the same, as deemed appropriate, to the Commission.

207. Consultations were held in late November 1993, at Geneva, between and among certain members of the Commission and representatives of various IGOs and NGOs, as well as with experts from the legal and mental health professions. These consultations fostered an open exchange of information and ideas on issues concerning allegations of sexual assault and of other violations of international humanitarian law in the context of the ongoing work of the Commission.

208. During 24 to 26 November, the Commission also conducted consultations with representatives of Governments, the United Nations Centre for Human Rights, a number of European-based NGOs, and several North American experts in the legal and mental health profession.

209. As a result of the foregoing, the Commission has developed a plan of action for the conduct of an in-depth investigation into allegations of sexual assault an of other violations of international humanitarian law in connection with the hostilities in the former Yugoslavia [Plan of Action].

210. At the Commission's Eight Session, held at Geneva, 27 October 1993, the Plan of Action was discussed by the Chair of the Commission, and Commissioners Greve and Cleiren. These discussions were developed at Geneva between 23 and 25 November 1993 and, once again, when the Chair and Commissioner Greve met in Geneva on 25 and 26 November 1993.

211. As regards meetings with Government representatives, Commissioner Greve travelled to Stockholm on 24 November and was given information valuable for the present investigations by Swedish Government officials. While in Geneva, she also held consultations with representatives of the Permanent Mission of Germany to the United Nations. On 26 November, the Commission Chair and Commissioner Cleiren met with the Foreign Minister of the Netherlands, Mr. Kooijmans, inter alia, to discuss funding for the Plan of Action.

A. Purpose of the investigations carried out pursuant to the plan of action

212. In fulfillment of the Commission's mandate pursuant to Security Council Resolution 780, the purposes of the investigation into alleged violations of international humanitarian law in general, and of allegations of sexual assault, in particular are:

(a) In general, to report to the Security Council, through the Secretary-General, regarding evidence which may be used by the International War Crimes Tribunal for the prosecution of persons responsible for violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991.

(b) In regard to sexual assault allegations, to report, through the Secretary-General, to the Security Council on specific cases as well as on patterns and policies pertaining to this category of violation of international humanitarian law as well as to establish an historic record of the extent of this type of victimization and of the manner in which it has been conducted.

B. Guiding concerns underlying the plan of action

213. As a result of the meetings and discussions referred to in the Introduction, it was decided that the investigations should be conducted in the following manner.

(a) Using a broad approach to allegations: The Plan of Action will seek to elicit and to record for the Commission not only information relating to allegations of sexual assault but also allegations of other violations of international humanitarian law which is discovered in the course of the Plan of Action. In this context, particular regard will be paid to detention centres located in the former Yugoslavia.

(b) The interest of the victims and witnesses is paramount, from the perspective of their physical and psychological well-being as well as of their personal security. In particular interviews will only be conducted with the consent of the witness-victim and interviews will only be conducted where psychological assistance and support is available locally to the victim-witness for continuing post-interview support. The Plan of Action will be carried out in close co-operation with the Multiplier Factors referred to below, to ensure that this concern is realised.

C. Funding of the plan of action

214. The Plan of Action described herein is to be funded by the Voluntary Trust Fund established by the Secretary-General on 24 May 1993 to assist the Commission in its work, and which refers specifically to elements of this Plan of Action, as well as to related investigations. The draft budget for Phase I of the Plan of Action appears as Annex A (covering a period of forty-five days from 15 January 1993). Costings for Phase II will be presented later.

D. Methodology

215. Phases I and II of the Plan of Action will be carried out under the direction of the Chair of the Commission of Experts. The Prijedor component will be carried out under the direction of Commissioner Greve. This paper is mainly concerned with Phase I of the project. A detailed plan of Phase II will be presented at a later date, and will to some extent be determined by the findings of Phase I. It is envisaged that the Plan of Action (both phases) will be carried out over a total of 90 days.

216. It should here be emphasised that some preparatory work for Phase II of the Plan of Action will need to be carried out during Phase I. For this reason there will be some overlap between the two phases.

1. Phase I interviews in the former Yugoslavia

217. Phase I of the Plan of Action will comprise 10 days of preparatory work by the Advance Team of the Core Group in Zagreb, followed by 20 days of interviews by 10 lawyer-interpreter teams, in different areas of the former Yugoslavia. In the course of Phase I the broad approach to humanitarian violations (described at b above) will be followed. In preparation for Phase II, information will be sought regarding humanitarian law violations of any kind which occurred, or occur, in detention camps in the Prijedor-Banja Luka, Foča, Brčko, Doboj areas. This project may be developed in detail in Phase II and is referred to below.

2. Phase II interviews in asylum states and the Prijedor component

218. After Phase I is completed, Phase II will comprise interviews carried out in asylum states (other than in the former Yugoslavia). Particular attention will have been paid to generalm as well as sexual assault, allegations concerning the Prijedor-Banja Luka, Foča, Brčko and Doboj areas in Phase I. If, at the end of Phase I, it is found that certain allegations relating to those areas would benefit from in-depth investigation, this would be carried out in Phase II, in parallel to the interviews carried out in asylum states following the Phase I model. The scope of the Prijedor component of Phase II will thus encompass allegations of torture, arbitrary execution, as well as the sexual assault of detainees.

219. The report of the Phase I findings of the Interviewers will be drawn up by the Core Group and will serve, among other things, to assist the Core Group in its preparation of interview schedules for Phase II interviews in the asylum states and for its Prijedor component. Following a series of interviews in those states, a report of Phase II will present the findings reached. It is expected that the final report of the Core Group, consolidating information of evidential value uncovered in the former Yugoslavia and in the asylum states, will be presented to the Commission by mid-June 1994.

220. The Commission will carry out the Plan of Action through two clusters of individuals: (i) the Core Group, and (ii) the Interviewers.

3. The core group

221. The Core Group will comprise:

(a) the Chair of the Commission of Experts and Commissioners Greve and Cleiren;

(b) B. Molina-Abram (Deputy Secretary), J.A. Baez (Assistant Secretary) and Messrs. Bergsmo and Kempenaars (Assistants to the Commission);

(c) Dr. S. Cavanaugh (Mental Health professional);

(d) Karen Kenny (Interviews Coordinator);

(e) Elenor Richter-Lyonette, (NGOs Coordinator);

(f) Maja Draženović (Chief Interpreter); and

(g) Thomas Osorio (Assistant to Interviews Coordinator and to the Chief Interpreter (for Serb-language areas)).

In the absence of the Chairman and the Commissioners from the mission area, the Deputy Secretary or the Assistant Secretary of the Commission will have overall supervision and responsibility for the investigation.

222. The general role of the Core Group is to plan the investigations, co-ordinate the working relationship between the Commission and the multiplier factors (as well as among the latter) and to organize the plan of work of the Interviewers (more detail regarding the Core Group's functions is provided below).

223. An Advance Team consisting of two members of the Commission's Secretariat, the Chief Interpreter, the Interviews Coordinator, the Assistant

for Serb-language areas and the mental health consultant will arrive in Zagreb on 30 January in advance of the Interviewers, inter alia, to finalise the interview schedule for all of the former Yugoslavia. This will build on the local contacts and preparations already undertaken by the Interviews Coordinator and the NGOs Coordinator in Geneva during January 1994.

224. Prior to the taking of evidence of victims-witnesses, the Core Group plans to do the following (see Annex C below):

(a) develop a standardized format of evidence-recording, in addition to the sworn testimony of the witness, which will be transcribed in narrative form. This may take the form of a check-list to be used by all Interviewers. For example, it must be ensured that the victim-witness who has given evidence can be located in the event that such evidence is required for use by the Chief Prosecutor of the International War Crimes Tribunal. This check-list may be communicated to local facilitators involved in laying the groundwork for the arrival of the Interviewers;

(b) develop a standard method of transcribing testimony from audio tapes in Serb or Croat for confirmation, swearing and signing by the witness;

(c) develop procedures designed to ensure the confidentiality of information received by the Commission from a victim-witness, as well as information which would tend to disclose their identity. These procedures will include rigorous selection procedures for all Interviewers, interpreters and secretaries involved, as well as procedures to ensure that the chain-of-custody of the evidence can be reliably traced, and that any attempts to tamper with the evidence can be detected;

(d) organise the training of the Interviewer teams (including interpreters) in the course of three days in Zagreb inter alia in the use of key-words and expressions likely to be encountered in the interview process (which may allude indirectly to aspects of incidents undergone by the witnesses); sensitization to the victim-witnesses and the situation prevailing in the major refugee camps and in other communities/settlements; on the geography of the regions to be visited in the context of the investigations. The briefings will be carried out under the guidance of the legal and mental health professionals of the Core Group. In addition, a summary of information pertinent to the investigation and available to the Commission through its data base will be made available to the Core Group and the Interviewers. In this context, the Commission may request the Liason Officer of the United Nations Protection Force [UNPROFOR] to the International Conference on the Former Yugoslavia [ICFY] [LO/UNPROFOR], situated in Geneva, to up-date the Core Group regarding the current situation and emerging trends in the territory of the former Yugoslavia prior to departure for Zagreb.

(e) develop procedures for the coordination and sharing of information with ICFY, UNPROFOR and the Special Rapporteur on the situation of human rights in the former Yugoslavia;

(f) co-ordinate the planning and execution of on-site missions with UNPROFOR, where the area of their mission is concerned;

(g) develop procedures, probably in collaboration with the International War Crimes Tribunal, for the transmission of evidence to national prosecutors, should such a request is made.

4. The multiplier factors

225. The Commission will benefit from coordination with multiplier factors, namely, (i) Government refugee agencies and other social agencies, (ii) IGOs and NGOs, (iii) other national, intergovernmental and non-governmental support groups. These multiplier factors are located in the territory of the former Yugoslavia and in the asylum states.

226. It is hoped that the multiplier factors will assist the Commission in:

(a) identifying witnesses and victims;

(b) providing information concerning persons who may be willing to offer evidence to the Commission; and

(c) providing psychological insight into the nature and condition of the victims, so as to assist the Interviewers in their approach.

5. The mental health professionals

227. The entire investigation will be victim-oriented. During Phase I only, seven volunteer mental health professionals, co-ordinated by the mental health expert member of the Core Group, will build upon pre-existing networks (at present, largely in Croatia), train local mental health professionals in both the procedural and substantive aspects of the mandate of the Commission, in general, and of the tasks of the Interviewers in particular. In many instances, contact networks comprise local and international NGOs. Local professionals may, subject always to the consent of the potential witness, inform the Commission of the willingness of such persons to give testimony to the Commission. The mental health members of the Core Group will be responsible for serving as a liaison between the Commission and the local network contact in order to prepare for the forthcoming arrival of the Commission mission.

228. Furthermore, although they will not attend interviews, the mental health experts will provide support for the interviewers as appropriate. In particular, the mental health experts will assist in briefing the interviewers and will develop a protocol to apply to all interviews in Phases I and II. When Phase I interviews commence, the mental health professionals will research and prepare a report on possible patterns of mental health problems involving, where appropriate, statistical analysis of the widespread nature of the phenomenon. Their role will be complete with Phase I.

6. The interviews

229. The persons carrying out the investigation interviews in the former Yugoslavia will be experts drawn from the legal profession [Interviewers]. They will be given immediate guidance and assistance by the Core Group of persons based in Geneva, as well as by the Advance Party of the Core Group to be based in Zagreb during Phase I. Volunteer interviewers will be requested to serve for a minimum period of 30 days.

230. The Interviewers will operate with the assistance of a specially selected interpreter. All those involved in the interview process will be women (unless the victim-witness otherwise requests). The working language of both the Core Group and of the Interviewers will be English. Four secretaries will be needed locally and hired on an hourly basis for transcribing testimony from audio-tapes after the day's interviews, prior to their being approved,

sworn and signed by the witness and the Interviewers.

231. The Interviewers will be selected by the Commission on the basis of a review and analysis of curricula vitae received from various countries by the Commission, as well as on the basis of a briefing meetings which will take place in North America two weeks in advance of their arrival in Zagreb. It is expected that some Interviewers will be contributed to the Commission, at no cost to it, by the governments of various states while the others will volunteer their services (see Annex A).

232. Interpreters and secretaries will be subject to rigorous selection criteria emphasising the need for absolute professionalism, confidentiality and compassion, in addition to first-class English and Serb or Croat interpretation skills or clerical skills, as appropriate. These locally-available persons will be identified, contacted, screened and selected by the Chief Interpreter who will be in the Core Group's Advance Party.

Appendix II

PARTICIPANTS

I. COMMISSION MEMBERS AND COMMISSION STAFF

A. Professor M. Cherif Bassiouni (USA-Egypt)
Chairman, Commission of Experts

B. Professor Christine Cleiren (Netherlands)
Member, Commission of Experts

C. Ms. Bruna Molina-Abrams
Deputy Secretary, Commission of Experts

D. Mr. Julio Baez
Assistant Secretary, Commission of Experts

II. CORE GROUP CONSULTANTS

A. Dr. Stephanie Cavanaugh (M.D.) (USA)

B. Ms. Maja Draženović (Croatia)

C. Ms. Karen Kenny (Ireland)

D. Mr. Thomas E. Osorio (USA)

E. Dr. Richard Rahe (M.D.) (USA)

III. LEGAL TEAM

A. Ms. Lena Andersson (Finland)

B. Ms. Susan Axelrod (USA)

C. Ms. Francine Borsanyi (Canada)

D. Ms. Linda S. Crawford (Canada)

E. Ms. Sharon Janelle Crooks (Canada-Ireland)

F. Ms. Kenna Dalrymple (Canada)

G. Ms. Feryal Gharahi (USA-Iran)

H. Ms. Sara Hossain (Bangladesh)

I. Ms. Nancy L. Paterson (USA)

J. Ms. Tanja Petrovar (Slovenia)

K. Ms. Laura D. Silver (Canada)

L . Ms. Merja Pentikäinen (Finland)

IV. MENTAL HEALTH AND MEDICAL TEAM

A. Dr. Abigail Benton Sivan (M.D.) (USA)

B. Dr. Stephanie Cavanaugh (M.D.) (USA)

C. Dr. Wanda Fremont (Ph.D) (USA)

D. Dr. Alice Geis MS, RN, CS (USA)

E. Dr. Stephanie Gregory (M.D.) (USA)

F. Dr. Daniel W. Hardy (M.D., J.D.) (USA)

G. Dr. Richard Rahe (M.D.) (USA)

Part Two

REPORT OF THE MENTAL HEALTH EXPERTS

Summary

233. The goals of the mental health team were threefold: 1) to prevent re-traumatization of witnesses interviewed, 2) to provide acute medical/psychological care, and 3) to recommend and arrange for medical, psychiatric, and psychosocial care within the local health care structure. These goals were met in most respects. None of the witnesses were re-traumatized as a result of the interview process, although several said they regretted testifying because they feared for their safety and that of their families. In the majority of the cases testimony was a positive healing process for witnesses. The mental health professionals were present in 85 of the two hundred testimonies obtained by the lawyers. In these 85 cases a great deal of information regarding the witnesses' psychological and medical status was obtained during testimony. Following the legal testimony, the physical and psychological well-being of the witness was further assessed. Discussion of etiology of physical and psychological symptoms, brief psychotherapy, and recommendations for treatment were made following many testimonies witnesses. Follow-up medical, psychiatric, and psychosocial care, when recommended, required a great deal of ingenuity and creativity, particularly for those with refugee status. In most cases, however, the mental health teams were successful in obtaining the care needed in the local health care system. If a mental health professional was not present during the interview, and assessment or intervention was felt to be necessary by the lawyer, the mental health worker would be made aware of this need.

234. Finally, although not directly related to the Commission's work, the mental health team was able to obtain a large amount of medications which were distributed to refugee centres in Croatia and medical care facilities in Sarajevo and Tuzla in Bosnia.

235. Forty-five men and 37 women were interviewed. Forty-five were Catholic, 29 Muslim, two Orthodox, and one undetermined. The trauma these witnesses had experienced as a result of torture and/or rape was significant. Sixty-five percent had a post-traumatic stress disorder (PTSD) or symptoms of PTSD. Seventeen percent had an anxiety or depressive disorder, and 16 per cent experienced normal bereavement. Half of the interviewees had sustained moderate to severe physical injuries. Refugees had generally received inadequate psychiatric and medical care following the trauma. The care for displaced Croatians ranged from adequate to good. Most witnesses were functioning at a higher social, occupational, and personal level than would be expected given the degree of trauma they had experienced. Emotional blunting was also less than would be expected given the amount of trauma sustained. Grief over losses experienced during the war and concerns for the present and future were paramount. Witnesses used a positive attitude and positive activity to maintain their high level of functioning. This included a strong sense of responsibility to family, children, and community and a high level of resourcefulness in dealing with problems. In short, the courage of these witnesses and the other victims of the conflict in the former Yugoslavia is a testimony to the strength of the human spirit under adversity.

I. INTRODUCTION

236. The first section of this report addresses the selection, activities, and role of the mental health team. Other areas covered in this section

include comments on issues relating to the health care system in Croatia, witness selection, volunteer lawyers, and translators.

237. The second section describes the psychological effects of testimony as well as the psychological and physical effects of trauma on the witnesses.

II. SELECTION OF THE MENTAL HEALTH TEAM

238. In December 1993, Professor Bassiouni requested that Rush Medical College organize a mental health team to assist the legal team in obtaining testimonies from sexual assault victims as a result of the conflict in the former Yugoslavia. Since it was unclear at this juncture what skills would be needed, it was decided to put together a balanced team including four psychiatrists, one internist, one gynecologist, one psychologist and one nurse. Seven were female and one was male. None, by design, were personal friends nor had any administrative relationship with others on the team. Six were from Rush Medical College, one from Michael Reese Hospital in Chicago and one from the University of Syracuse in New York. All had experience in treating sexual assault victims and two had additional experience in treating sexual assault in children. Four had experience in treating Post Traumatic Stress Disorder in the United States, and three had provided medical/ psychiatric care in war conditions or to survivors of such conflicts outside the United States. One was a lawyer as well as a psychiatrist and three had special expertise in forensic psychiatry. Each was selected for his or her ability to tolerate ambiguity and work as a team member under complex and difficult conditions. Additionally, Richard Rahe, a retired admiral and Professor of Psychiatry at the University of Nevada, who has had extensive experience leading teams of lawyers and doctors in debriefing torture victims, was selected to be our consultant. Prior to our leaving for the former Yugoslavia, the mental health team had several planning sessions, which helped develop a sense of camaraderie and cohesiveness which was important to the success of the mission in the former Yugoslavia.

III. ACTIVITIES OF THE MENTAL HEALTH TEAM

239. Preliminary work. Dr. Stephanie Cavanaugh went with the core team to Zagreb, Croatia from 29 January 1994 through 11 February 1994. Her job was to establish liaisons with the local mental health workers, non-governmental organizations (NGOs), local physicians, national experts in rape and torture, and physicians from the Croatian government. She also had numerous informal discussions with displaced persons and refugees. Following this, she made recommendations regarding: 1) the role of the mental health team; 2) the content of the mental health briefing which was to include: a) visits to refugee camps, b) a discussion of Post Traumatic Stress Disorder by Richard Rahe, M.D., c) techniques to make testimony a healing process, given by Inger Agger, Ph.D. and Soren Buus-Jensen, M.D., and 3) a system to refer witnesses within the local health care system.

240. Interview Phase. All but one member of the mental health team arrived in Zagreb on 26 February. The first three days were devoted to formal orientation and training sessions, and informally to making the acquaintances of the lawyers and interpreters with whom the team would be working in the next few weeks. The particular contribution of the mental health team to this initial period in Zagreb was Dr. Cavanaugh's securing the services of Inger Agger, Ph.D., Soren Jensen, M.D. and Richard Rahe, M.D. for lectures, training sessions, and role playing exercises to prepare the multi-disciplinary teams for the tasks ahead--the detailed documentation through interviews of critically sensitive information, without re-traumatizing the witnesses by the

process. Additionally, these international experts on the assessment and treatment of torture victims endeavoured to sensitize our teams to the importance of recognizing and minimizing the almost inevitable tertiary trauma to ourselves, as a result of intense interaction with the primary victims during the interviews.

241. Thereafter, team assignments were made and our work began in earnest. Mental health team members spent from two to four weeks in the former Yugoslavia. The average length of time spent was 18 days and the average number of interviews was 10.25 per team member.

IV. THE ROLE OF THE MENTAL HEALTH TEAM

242. Unfortunately, the ambiguity of the role of the mental health team throughout the mission, on the part of the leadership of the Commission caused unnecessary stress on the relationship between the mental health workers and the lawyers.

243. The role of the mental health team members was never clearly defined. As a result, individual teams devised their own strategies. Although many of the lawyers were positive to mental health input and had worked with mental health professionals in the past, the ambiguity about our role made it difficult for the lawyers to decide how best to utilize us. This was further compounded by the fact that there was a smaller number of mental health workers than lawyers. Only three of the mental health team were able to stay for one month, because of a change in the start date of the mission.

244. The two teams in Split, each consisting of a lawyer, mental health worker and translator who worked together for one month, were the most successful. Each lawyer and mental health team member interviewed the witness together and developed an interview process which resulted in useful legal information and also allowed for appropriate medical and psychiatric intervention on the part of the mental health worker. This model has been used extensively in other parts of the world to debrief victims of torture.

245. The mental health team participated in 85 testimonies. All of the two hundred witnesses were asked if they wished the mental health specialist (who was described as "an expert in the medical and psychological sequelae of trauma") to be present during testimony. None of the witnesses refused and most expressed appreciation for the presence of the mental health professional. If a mental health worker was not involved in an interview with the victim, the lawyers, in many cases, asked for assistance later. When the mental health professionals were included in the interview, they were able to help the lawyer obtain accurate information and provide support for the witness. Also, in many instances, they were able to provide acute medical, psychosocial, and psychiatric care and recommend ongoing care within the structure of the local health care system.

246. In other teams, a number of models for the interview process were used depending upon the relationship between the lawyers and the mental health professionals. During the legal testimony a great deal of information regarding the witnesses' psychological and medical status was obtained, even if the mental health professional was totally passive. The witness was then asked if he or she wished time with the mental health professional, during which the witness' psychological and physical status were further assessed. Education regarding the etiology of physical and psychological symptoms resulting from the trauma was helpful for witnesses. In some cases, brief psychotherapy or family therapy was possible and greatly appreciated by the witnesses. Helena Nakić, M.D., our liaison with the Croatian government, had

given approval for physicians to provide acute psychiatric or medical care. In several cases, medication was prescribed and dispensed by the mental health workers for acute problems.

247. Although the medical system in the former Yugoslavia was quite sophisticated prior to the war, it has since been over-loaded and has had to function with inadequate supplies and medical personnel. As a result, obtaining follow-up medical care for the witnesses was often a challenge. Although the Croatian medical system is over-loaded, registered displaced Croatian citizens are entitled to the health benefits of non-displaced Croatian citizens. Helena Nakić, M.D., provided displaced Croatians who testified in Zagreb access to medical and psychiatric care at the University of Zagreb. Further, the mental health specialists arranging medical and psychiatric care for displaced Croatian citizens outside Zagreb rarely had to rely on sources other than the Croatian medical system for this care.

248. Providing follow-up care for refugees was a more difficult matter. For those living in registered refugee centres, there was often one physician who cared for 400 to 1,000 people, many of whom are quite ill because of war injuries or poorly treated chronic illness. Unfortunately, refugee physicians are not licensed and cannot provide treatment for refugees. Additionally, necessary medications are in short supply. Refugees without access to camp physicians must pay for their medical care or receive it through non-governmental organizations. Ongoing medical, psychosocial, and psychiatric care for refugee witnesses were pieced together through NGOs, with which the mental health worker had linked in each interview site. Medicins du Monde, Medicins sans Frontieres, Biser, Caritas, and other NGOs assisted in providing this health care.

249. It was hoped that the local mental health workers contacted by the core group during their preliminary work in Zagreb would take the place of the mental health team after the majority had left. Unfortunately, the local mental health workers were overwhelmed with their everyday responsibilities. They did, however, provide extremely valuable consultation and support. The presence of Sabina Negovetić, M.D., a member of the core team who speaks Croatian and is extremely knowledgeable about the health care system in the former Yugoslavia, would have been most valuable in increasing the efficiency and quality of the medical and psychiatric care for witnesses.

250. Additionally, the mental health team brought medications to Zagreb, a small amount of which was distributed to refugee camps in Zagreb. The majority was taken to Sarajevo in Bosnia. Rush Medical Centre sent another large shipment of medications which was later distributed to Tuzla in Bosnia.

251. Although it was not originally intended that the mental health team secure witnesses for interview, the contacts of the mental health team with the community produced a number of witnesses for testimony.

V. SELECTION OF WITNESSES

252. During the core team's visit to Croatia many NGOs, home clubs, and mental health workers were confident that a number of witnesses would come forward. Additionally, during visits to refugee centres many stated a desire to testify. During the first two weeks of the interview process very few of these witnesses came forward. There are several possible explanations for why this occurred. The environment in which these interviews were conducted was highly complex. Witnesses were fearful for their safety and that of their families. Witnesses may have been concerned that their refugee status in Croatia or hopes for relocation would be jeopardized by testimony. There were

negative feelings among witnesses toward the United Nations and concerns as to whether data would be kept totally confidential. Most of those interviewed in the first two weeks in Zagreb and Split had previously given sworn testimony to the Croatian government. As a result, some potential witnesses may have been concerned about the interference of the Croatian government in the interviewing process. Since Sabina Negovetić, M.D. and Eleanor Richter-Lyonette had the majority of the contact with the NGOs during the core visit it is unclear if their absence was a factor. Certainly, the flow of witnesses would have increased if they had been present during the interview phase of this mission. Finally, many involved in the conflict in the former Yugoslavia and those in Europe were not anxious for the work of the Commission to continue.

253. In spite of this, as the lawyers, mental health workers, and translators began to develop relationships with the social/medical/psychiatric system in which they were interviewing, many witnesses began to come forward. Unfortunately, the length of time it took to get the interview process established in each separate site resulted in a great deal of wasted time. Also, many witnesses came forward when the interview teams were ready to leave. Finally, it is unfortunate that the second phase of the investigation, interviews with witnesses located in other European countries, could not be completed.

254. It is a tribute to the courage of the witnesses that 200 people were willing to come forward under these circumstances.

VI. THE PSYCHOLOGICAL EFFECTS OF TESTIMONY

255. No witness interviewed with a mental health professional was re-traumatized, although several said they regretted testifying because of fear for their own safety and for that of their families. On the other hand, after the initial testimonies many witnesses recruited other witnesses. In the majority of cases, the process by which a lawyer, mental health professional and interpreter listened for two to 10 hours to the witnesses' testimony was healing and positive for those testifying.

256. There are several reasons for this positive outcome. First, as in psychotherapy, the empathy and concern shown by the lawyer, mental health specialist, and translator for the witness was in itself healing. Some descriptions of the suffering endured were so horrible that either the lawyer, mental health worker, or translator, would at times become tearful, a powerful message that the witness was not alone in his or her horror and pain. For those who had not testified previously, telling the whole story in detail for the first time was a relief. It allowed the witness to remove the horror of the experience from within and to distance and objectify it, as those bearing witness carefully recorded it. The fact that volunteer lawyers and mental health professionals had come from other countries specifically to take their testimony and provide psychological and medical assistance made it obvious to them that the world cared about the war crimes they had experienced or witnessed. Finally, many witnesses stated that the most positive aspect of testimony was the hope that the perpetrators of these war crimes might be prosecuted and that what they had endured was not acceptable to the world. This helped heal the feeling of helplessness and guilt that some of the witnesses experienced because of their lack of control over their own torture or rape, or the torture, rape, or slaughter of family members, friends, and other prisoners. The hope for justice gave them a sense that something positive might be accomplished.

VII. PSYCHOLOGICAL AND PHYSICAL STATUS OF THE WITNESSES

257. Table I shows the demographics of the 82 witnesses who testified. Most had a good premorbid adjustment with a negative psychiatric history. The types of trauma sustained by the witnesses, summarized in Table II, were for the most part quite significant. The psychiatric diagnoses, as assessed by the mental health workers, are set forth in Table III. Most witnesses were functioning at a higher social, occupational, and personal level than would be expected, given the nature of the emotional and physical trauma they had endured. Due to the fact that most witnesses preserved appropriate affect when discussing traumatic events, the emotional blunting commonly seen was much less frequent than would be anticipated given the extent of the trauma. Altruism, humor, intellectualization, isolation and attention to the problems of the present situation--all high level psychological defences--were commonly used. Witnesses used a positive attitude and positive activity to maintain their high level of functioning. This included a strong sense of responsibility to family, children, and community. Additionally, most attempted to "carry-on" regardless of their circumstances and maintained a high level of resourcefulness in dealing with problems. Support from family members was high.

258. Those who had been physically injured appeared to have a more difficult time psychologically. Those witnesses who had a high level of family or social support following the trauma did better psychologically and those witnesses with early psychosocial or psychiatric intervention recovered more rapidly.

259. Witnesses were frequently most affected by the unpredictable nature of the trauma. Observing others being tortured, raped, or slaughtered, with little control over the situation, was most difficult. Survivor guilt was common, and the torture, rape, or slaughter of a family member was the most traumatic. Intrusive thoughts and bad dreams from the trauma were more likely to be those of the secondary trauma they had witnessed than of the primary trauma they had experienced. Torture, rape, humiliation, or slaughter by those known by the witnesses was the most difficult for witnesses to integrate.

260. Most witnesses had attempted to put the trauma behind them, in spite of intrusive thoughts, bad dreams, and fear of certain environmental cues associated with the trauma. Grief from loss of home, previous life, death of loved ones, separation from family and friends, and inability to engage in gainful employment was common. Missing a family member was more disruptive psychologically than grief for dead relatives. A protracted time in a refugee centre without hope for relocation was a significant stressor. Many refugees saw no realistic hope for improvement of their situation without relocation. Displaced people were also concerned about their future, but were usually better off in terms of monetary resources, family, community, and medical care.

261. Half of the witnesses had sustained moderate to severe injuries as a result of the trauma. Displaced persons in Croatia had received adequate to good medical and psychiatric care following the trauma, although ongoing care was often a problem. Refugees for the most part had inadequate care after the trauma and at the time of testimony. In most cases, the mental health professional was able to obtain ongoing medical and psychiatric care for those that testified.

Tables

1. Demographic Data of Witnesses Interviewed

AGE	FEMALE	AGE	MALE
Less than 20	1	Less than 20	2
20-29	9	20-29	3
30-39	7	30-39	6
40-49	10	40-49	12
50-59	7	50-59	8
60-69	3	60-69	14

ETHNICITY		ETHNICITY	
Croatian (Roman Catholic)	17	Croatian (Roman Catholic)	30
Muslim	19	Muslim	13
Serbian (Serbian Orthodox)	1	Serbian (Serbian Orthodox)	1
		Undetermined	1

2. Trauma Experienced by Witnesses Interviewed*

FEMALE	MALE
Raped once; held for 15 days; husband missing and presumed dead. (2)	Beaten severely and repeatedly during 13 months of imprisonment; loss of home and village. (1)
Imprisoned briefly three times; gang raped once; rifle stuck in vagina. (2)	Beaten repeatedly during 7 months of imprisonment; village destroyed. (1)
Forced to leave village. (2)	Beaten severely and repeatedly during 14 months of imprisonment; civilians encouraged to beat prisoners. (1)
Village destroyed; husband beaten and killed; daughter killed. (2)	Beaten repeatedly during 13 months of imprisonment; knew of one prisoner who died from beating; house and most of village destroyed. (1)
All men in village executed including her father; brother-in-law's body dismembered; forcibly removed from village. (2)	Beaten severely and repeatedly during one month of imprisonment; kicked in genitals. (1)
Forcibly removed from home to camp for 10 days where women were taken by guards in the night and presumably raped or otherwise abused. (2)	Beaten severely and repeatedly during six months of imprisonment; prison roommate killed by guard; heard women prisoners screaming; knew they were being raped; no Croatians or Muslims left in village. (1)
Lived in fields for four months while village under attack; was pregnant; was raped once by attacker who pointed gun at her abdomen. (2)	Severely beaten on one occasion but not imprisoned; many friends in village killed; forced to deed home "to the Krajina." (1)
Taken from village with other women; observed mass graves with decapitated bodies and much blood; some women taken by guards at night and presumably raped over approximately two week period. (2)	Threatened with death at arrest; friends killed; lived under house arrest for seven months. (1)
Imprisoned (length undetermined); raped multiple times. (1)	Multiple beatings during 13 months of imprisonment. (1)
Imprisoned and tortured (length undetermined); witnessed torture of others. (1)	Moved from place to place for one month with family. (3)

---

*Parenthetical number indicates ethnicity of victim. (1) Croatian; (2) Muslim; and (3) Serbian.

Husband missing, presumed dead; saw him bleeding. (1)

Raped; shot in head during attempted execution. (1)

Husband dead; witnessed mass executions. (1)

Raped. (3)

Raped repeatedly. (2)

Separated from husband and son; forced to leave home. (1)

Gang sexual assault of victim and daughter-in-law in their home. (1)

Husband killed; witnessed murder of family members and friends; home burned, children repeatedly threatened with mock executions. Moved to six different locations over one year period. (1)

Witnessed death of husband, other family members and friends; imprisoned three days and threatened with mock executions. (1)

Separated from husband and son for several weeks; witnessed burning of home and killing of neighbours; held hostage for two days and threatened with death. (1)

Witnessed killing of husband, family and friends, as well as destruction of home and village; hid for three weeks; separated from son; threatened with rape. (2)

Witnessed burning of home and destruction of village; held in detention centre for six months; aware of rape of other captives; husband's whereabouts unknown. (2)

Suffered torture and witnessed killings, tortures and mutilations for two days. (2)

Imprisoned (length undetermined); witnessed rapes and beatings; forced to sign over property. (2)

Witnessed massacre; father and brother killed; sister raped while prisoner. (2)

Severely beaten by civilians; left home because of continued threats. (2)

Escaped with pregnant wife from two villages under attack; baby born with palsy. (2)

Father taken (presumably killed); soldier pointed gun at his head and pulled trigger several times (presumably unloaded); village women raped. (2)

Imprisoned (length undetermined); suffered beatings and torture. (1)

Imprisoned (length undetermined); suffered beatings and sexual assault. (1)

Imprisoned (length undetermined); witnessed beatings. (2)

Imprisoned (length undetermined); beaten and witnessed killings. (1)

Held two months in detention centre; witnessed slaughter of 150 fellow prisoners. (2)

Held in detention camp for two months; little food and water; saw many prisoners die; friend decapitated and his head thrown to other prisoners; wife missing. (1)

Gang raped by four men on one occasion with resulting pregnancy and medical complications; whereabouts of parents and other family unknown. (2)

Witnessed destruction of village; imprisoned in "women's house" for five months; beaten; husband's whereabouts unknown. (2)

Separated from husband; home burned; neighbours murdered; beaten and shot in pelvis, requiring four surgeries and resulting in inability to walk. (1)

Village occupied; neighbours killed; home burned; family held in detention camp; beaten on several occasions; raped by two men on one occasion. (1)

Home burned; husband and children missing; neighbours killed; raped by two men on one occasion; beaten on several occasions. (1)

In hiding for three months while village occupied, then held in detention camp; suffered gunshot and chemical wounds; beaten; witnessed killings. (1)

Raped on two occasions; life threatened. (1)

Raped on two occasions, once in front of her two daughters who were also raped; village destroyed. (2)

Imprisoned for 18 days; made to strip to underwear, beaten with truncheons and kicked during interrogations; gang raped by four guards, forced fellatio. (1)

Village occupied and residents harassed; escaped with immediate family, rest of village massacred later, including relatives and children. (2)

Husband and father abducted, separated for one and a half years; neighbours killed. (2)

Imprisoned (length undetermined); during which he endured forced labour, beatings and having to walk through a mine field. Witnessed burning of home and murders. (1)

Imprisoned for six months during which time he was beaten and psychologically abused. Witnessed home being burned and killings. Family's whereabouts unknown. (1)

Imprisoned for 11 days and beaten severely daily. (2)

Witnessed destruction of village and deaths of neighbours. Captive for 10 days and beaten. Whereabouts of family unknown. (2)

Imprisoned for six months, beaten daily, witnessed tortures and killings; forced to eat two kilos of salt; family whereabouts unknown. (2)

Witnessed destruction of home and mass killings including three children murdered. (1)

Home burned, neighbours killed. Imprisoned for one month; suffered physical and emotional abuse. (1)

Detention camp for six months, where repeatedly physically tortured; home burned; witnessed killings. (1)

Imprisoned for six months during which he was tortured daily, life was threatened, witnessed killings, and was starved. (1)

Forced to work for occupiers of village for several months; severely beaten on multiple occasions. Witnessed beatings and killings. (1)

Imprisoned for 4 months; severely beaten on several occasions. (2)

Found mutilated bodies of brother and sister-in-law; grandchildren forced to kiss floor by their Serbian teachers. (1)	Imprisoned (length undetermined); witnessed execution of prisoners by chain saw; repeatedly beaten; shot in arm; knifed. (unk)
Held for two days, raped once; captors played Russian roulette with her; husband and son-in-law killed. (2)	Witnessed killing of women and children during invasion of town. (1)
Victim and baby moved from village to village; husband missing; raped 6-10 times with knife held at throat, child's life threatened if victim did not submit. (2)	Imprisoned (length undetermined); suffered beatings. (1)
Raped in house by two residents of village. (2)	Imprisoned (length undetermined); suffered beatings, torture and mock executions. (1)
	Imprisoned (length undetermined); beaten by guards and civilians; suffered sexual torture. (1)
	Witnessed beatings, torture and burning of houses. (1)
	Witnessed beatings, torture and burning of houses. (1)
	Son executed; other family members died. (1)
	Suffered torture, beatings, and stabbing; witnessed penile amputation. (2)
	Imprisoned for three months during which he was tortured and witnessed killings. (1)
	Survived massacre in mine field; Suffered beatings. (1)
	Held two months in dentention camp; repeatedly beaten, starved; prisoners forced to bite each others genitals; many prisoners died. (1)

3. Diagnoses of Witnesses Interviewed*

DIAGNOSIS/Female		DIAGNOSIS/Male	
PTSD	20	PTSD	24
PTSD/Symptoms only	7	PTSD/Symptoms only	2
Major depression		Major depression	
Unranked	4	Unranked	0
Mild	0	Mild	1
Moderate	1	Moderate	2
Severe	0	Severe	1
Anxiety Disorder	1	Anxiety Disorder	1
Adjustment Disorder		Adjustment Disorder	
With depressed mood	1	With depressed mood	1
With mixed features	0	With mixed features	1
Bereavement	8	Bereavement	5
Dissociative Disorder	1	Dissociative Disorder	0
Somatoform Disorder	1	Somatoform Disorder	1
Alcohol Abuse	0	Alcohol Abuse	2
No diagnosis	1	No diagnosis	13
Insufficient information	5	Insufficient information	0

* Some have more than one diagnosis

The DSM-IV criteria for these disorders is found in Appendix II.

Appendix I

262. From 3 to 7 March, Dr. Hardy accompanied Professor Bassiouni to BiH. In Sarajevo Professor Bassiouni and his team met with President Izetbegović and various members of his cabinet and advisors, and later with the State War Crimes Commission. Professor Bassiouni and team also met formally with State War Crimes Commissions in Zenica and Tuzla, and with the U.N. military command in Kiseljak. A number of informal meetings with U.N. workers, military personnel, clergy and other individuals also took place. Of special relevance to the work of the mental health team were meetings in Sarajevo and Tuzla with physicians actively involved in treating civilian war casualties.

263. In Sarajevo, Professor Bassiouni and team met with the Director of the Koševo hospital and delivered medications and medical supplies donated by mental health team members and others. After that meeting Dr. Hardy toured the pediatric clinic and met with the director of the psychiatric clinic at the hospital. At the pediatric clinic Dr. Hardy saw a nine year old boy who was unable to walk. An extensive medical examination disclosed no physiological explanation for his condition. Ultimately, his treating physicians determined that the boy, who had lost several close family members during the siege of Sarajevo, developed a psychogenic paralysis in an unconscious effort to secure hospitalization at Koševo, the only place where he was able to experience a relative degree of safety. Dr. Hardy asked the age of the youngest patient treated for a war-related psychiatric disturbance. He was told of a six month old child who, having experienced the sound of artillery shelling, would for months thereafter begin screaming and develop full-body muscle contractions upon hearing any unexpected noise no louder than a door closing. [N.B. These are signs of increased arousal which are associated with the diagnosis of Post Traumatic Stress Disorder].

264. At the psychiatric clinic, Dr. Hardy learned that all beds and most chairs in the unit were occupied by patients suffering from war related conditions, usually PTSD or Major Depression. The clinic director stated that he had worked continuously seven days a week for over two years, with the exception of a few days the previous year when he was himself disabled by physical injury. The clinic director stated that when hostilities began the Serbian clinicians left (approximately one-half of the hospital staff), and indicated that all of the remaining staff throughout the hospital were seriously overworked. He said the hospital had suffered approximately 300 shellings since the siege began. Most disturbingly, he said that as a consequence of these circumstances, five physician staff members of the hospital had committed suicide within the last two years.

265. At Tuzla, Professor Bassiouni and his team met with Dr. Kreitmayer, a gynecologist and member of the local War Crimes Commission. Dr. Kreitmayer said she had seen 760 cases of raped women at her clinic, and other cases of physical abuse and torture arising from the present conflict. She said the youngest rape victim was five years old, and the oldest was 81. Dr. Kreitmayer said she documented 70 cases of PTSD, and "lots of" cases of somatic disorders. Later the Bassiouni team met with the psychiatrist from Dr. Kreitmayer's clinic. She related various cases with which she had dealt, told of the taunting which often accompanied the rapes (e.g. "Where is your Alija now?"), and mentioned a village where all of the women (approximately 50) had been raped by the aggressors. The team members agreed that one of the remarkable aspects of this interview was the obvious extent to which the psychiatrist had herself been psychologically traumatized by her experiences in treating the victims of war crimes.

Appendix II 22/

I. CRITERIA FOR MAJOR DEPRESSIVE EPISODE 23/

A. Five (or more) of the following symptoms have been present during the same two-week period and represent a change from previous functioning; at least one of the symptoms is either (1) depressed mood or (2) loss of interest or pleasure.

Note: Do not include symptoms that are clearly due to a general medical condition, or mood-incongruent delusions or hallucinations.

1. depressed mood most of the day, nearly every day, as indicated by either subjective report (e.g., feels sad or empty) or observation made by others (e.g., appears tearful). **Note:** In children and adolescents, can be irritable mood.

2. markedly diminished interest or pleasure in all, or almost all, activities most of the day, nearly every day (as indicated by either subjective account or observation made by others)

3. significant weight loss when not dieting or weight gain (e.g., a change of more than 5% of body weight in a month), or decrease or increase in appetite nearly every day. **Note:** In children, consider failure to make expected weight gains.

4. insomnia or hypersomnia nearly every day

5. psychomotor agitation or retardation nearly every day (observable by others, not merely subjective feelings of restlessness or being slowed down)

6. fatigue or loss of energy nearly every day

7. feelings of worthlessness or excessive or inappropriate guilt (which may be delusional) nearly every day (not merely self-reproach or guilt about being sick)

8. diminished ability to think or concentrate, or indecisiveness, nearly every day (either by subjective account or as observed by others)

9. recurrent thoughts of death (not just fear of dying), recurrent suicidal ideation without a specific plan, or a suicide attempt or a specific plan for committing suicide

B. The symptoms do not meet criteria for a Mixed Episode[]. 24/

C. The symptoms cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.

D. The symptoms are not due to the direct physiological effects of a substance (e.g., a drug of abuse, a medication) or a general medical condition (e.g., hypothyroidism).

E. The symptoms are not better accounted for by Bereavement, i.e., after the loss of a loved one, the symptoms persist for longer than two months or are characterized by marked functional impairment, morbid preoccupation with worthlessness, suicidal ideation, psychotic symptoms, or psychomotor retardation.

II. BEREAVEMENT 25/

This category can be used when the focus of clinical attention is a reaction to the death of a loved one. As part of their reaction to the loss, some grieving individuals present with symptoms characteristic of a Major Depressive Episode (e.g., feelings of sadness and associated symptoms such as insomnia, poor appetite, and weight loss). The bereaved individual typically regards the depressed mood as "normal", although the person may seek professional help for relief of associated symptoms such as insomnia or anorexia. The duration and expression of "normal" bereavement vary considerably among different cultural groups. the diagnosis of Major Depressive Disorder is generally not given unless the symptoms are still present 2 months after the loss. However, the presence of certain symptoms that are not characteristic of a "normal" grief reaction may be helpful in differentiating bereavement from a Major Depressive Episode. These include 1) guilt about things other than actions taken or not taken by the survivor at the time of death; 2) thoughts of death other than the survivor feeling that he or she would be better off dead or should have died with the deceased person; 3) morbid preoccupation with worthlessness; 4) marked psychomotor retardation; 5) prolonged and marked functional impairment; and 6) hallucinatory experiences other than thinking that he or she hears the voice of, or transiently sees the image of, the deceased person.

III. DIAGNOSTIC CRITERIA FOR 300.12 DISSOCIATIVE AMNESIA 26/

A. The predominant disturbance is one or more episodes of inability to recall important personal information, usually of a traumatic or stressful nature, that is too extensive to be explained by ordinary forgetfulness.

B. The disturbance does not occur exclusively during the course of Dissociative Identity Disorder, Dissociative Fugue, Posttraumatic Stress Disorder, Acute Stress Disorder, or Somatization Disorder and is not due to the direct physiological effects of a substance (e.g., a drug of abuse, a medication) or a neurological or other general medical condition (e.g., Amnestic Disorder Due to Head Trauma).

C. The symptoms cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.

IV. DIAGNOSTIC CRITERIA FOR ADJUSTMENT DISORDERS 27/

A. The development of emotional or behavioral symptoms in response to an identifiable stressor(s) occurring within 3 months of the onset of the stressor(s).

B. These symptoms or behaviors are clinically significant as evidenced by either of the following:

1. marked distress that is in excess of what would be expected from exposure to the stressor

2. significant impairment in social or occupational (academic) functioning

C. The stress-related disturbance does not meet the criteria for another specific Axis I disorder and is not merely an exacerbation of a preexisting Axis I or Axis II disorder.

D. The symptoms do not represent Bereavement.

E. Once the stressor (or its consequences) has terminated, the symptoms do not persist for more than an additional 6 months.

Specify if:

Acute: if the disturbance lasts less than 6 months
Chronic: if the disturbance lasts for 6 months or longer

Adjustment Disorders are coded based on the subtype, which is selected according to the predominant symptoms. The specific stressor(s) can be specified on Axis IV.

309.0	With Depressed Mood
309.24	With Anxiety
309.28	With Mixed Anxiety and Depressed Mood
309.3	With Disturbance of Conduct
309.4	With Mixed Disturbance of Emotions and Conduct
309.9	Unspecified

V. DIAGNOSTIC CRITERIA FOR 300.81 SOMATIZATION DISORDER 28/

A. A history of many physical complaints beginning before age 30 years that occur over a period of several years and result in treatment being sought or significant impairment in social, occupational, or other important areas of functioning.

B. Each of the following criteria must have been met, with individual symptoms occurring at any time during the course of the disturbance:

1. four pain symptoms: a history of pain related to at least four different sites or functions (e.g., head, abdomen, back, joints, extremities chest, rectum, during menstruation, during sexual intercourse, or during urination)

2. two gastrointestinal symptoms: a history of at least two gastrointestinal symptoms other than pain (e.g., nausea, bloating, vomiting other than during pregnancy, diarrhea, or intolerance of several different foods)

3. one sexual symptom: a history of at least one sexual or reproductive symptom other than pain (e.g., sexual indifference, erectile or ejaculatory dysfunction, irregular menses, excessive menstrual bleeding, vomiting throughout pregnancy)

4. one pseudoneurological symptom: a history of at least one symptom or deficit suggesting a neurological condition not limited to pain (conversion symptoms such as impaired coordination or balance, paralysis or localized weakness, difficulty swallowing or lump in throat, aphonia, urinary retention hallucinations, loss of touch or pain sensation, double vision, blindness, deafness, seizures; dissociative symptoms such as amnesia; or loss of consciousness other than fainting)

C. Either 1. or 2.:

1. after appropriate investigation, each of the symptoms in Criterion B cannot be fully explained by a known general medical condition or the direct

effects of a substance (e.g., a drug of abuse, a medication)

2. when there is a related general medical condition, the physical complaints or resulting social or occupational impairment are in excess of what would be expected from the history, physical examination, or laboratory findings

D. The symptoms are not intentionally produced or feigned (as in Factitious Disorder or Malingering).

VI. DIAGNOSTIC CRITERIA FOR 300.02 GENERALIZED ANXIETY DISORDER 29/

A. Excessive anxiety and worry (apprehensive expectation), occurring more days than not for at least six months, about a number of events or activities (such as work or school performance).

B. The person finds it difficult to control the worry.

C. The anxiety and worry are associated with three (or more) of the following six symptoms (with at least some symptoms present for more days than not for the past six months). **Note:** Only one item is required in children.

1. restlessness or feeling keyed up or on edge

2. being easily fatigued

3. difficulty concentrating or mind going blank

4. irritability

5. muscle tension

6. sleep disturbance (difficulty falling or staying asleep, or restless unsatisfying sleep)

D. The focus of the anxiety and worry is not confined to features of an Axis I disorder, e.g., the anxiety or worry is not about having a Panic Attack (as in Panic Disorder), being embarrassed in public (as in Social Phobia), being contaminated (as in Obsessive-Compulsive Disorder), being away from home or close relatives (as in Separation Anxiety Disorder), gaining weight (as in Anorexia Nervosa), having multiple physical complains (as in Somatization Disorder) or having a serious illness (as in Hypochondriasis), and the anxiety and worry do not occur exclusively during Posttraumatic Stress Disorder.

E. The anxiety, worry, or physical symptoms cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.

F. The disturbance is not due to the direct physiological effects of a substance (e.g., a drug of abuse, a medication) or a general medical condition (e.g., hyperthyroidism) and does not occur exclusively during a Mood Disorder, a Psychotic Disorder, or a Pervasive Developmental Disorder.

VII. DIAGNOSTIC CRITERIA FOR 309.81 POSTTRAUMATIC STRESS DISORDER 30/

A. The person has been exposed to a traumatic event in which both of the following were present:

1. the person experienced, witnessed, or was confronted with an event or events that involved actual or threatened death or serious injury, or a threat to the physical integrity of self or others

2. the person's response involved intense fear, helplessness, or horror. **Note:** in children, this may be expressed instead by disorganized or agitated behavior

B. The traumatic event is persistently reexperienced in one (or more) of the following ways:

1. recurrent and intrusive distressing recollections of the event, including images, thoughts or perceptions. **Note:** in young children, repetitive play may occur in which themes or aspects of the trauma are expressed.

2. recurrent distressing dreams of the event. **Note:** In children, there may be frightening dreams without recognizable content.

3. acting or feeling as if the traumatic event were recurring (includes a sense of reliving the experience, illusions, hallucinations, and dissociative flashback episodes, including those that occur on awakening or when intoxicated). **Note:** In young children, trauma-specific reenactment may occur.

4. intense psychological distress at exposure to internal or external cues that symbolize or resemble an aspect of the traumatic event

C. Persistent avoidance of stimuli associated with the trauma and numbing of general responsiveness (not present before the trauma), as indicated by three (or more) of the following:

1. efforts to avoid thoughts, feelings, or conversations associated with the trauma

2. efforts to avoid activities, places, or people that arouse recollections of the trauma

3. inability to recall an important aspect of the trauma

4. markedly diminished interest or participation in significant activities

5. feeling of detachment or estrangement from others

6. restricted range of affect (e.g., unable to have loving feelings)

7. sense of a foreshortened future (e.g., does not expect to have a career, marriage, children, or a normal life span)

D. Persistnent symptoms of increased arousal (not present before the trauma), as indicated by two (or more) of the following:

1. difficulty falling or staying asleep

2. irritability or outbursts of anger

3. difficulty concentrating

4. hypervigilance

5. exaggerated startle response

E. Duration of the disturbance (symptoms in Criteria B, C, and D) is more than one month.

F. The disturbance causes clinically significant distress or impairment in social, occupational, or other important areas of functioning.

Specify if:
Acute: if duration of symptoms is less than three months
Chronic: if duration of symptoms is three months or more

Specify if:
With Delayed Onset: if onset of symptoms is at least six months after the stressor

Notes

1/ UN Doc S/25274 [10 February 1992], at Annex I; First Interim Report at paragraphs 65 and 66.

2/ Phase I was intended to involve interviews conducted in all the states of the former Yugoslavia (except for Slovenia, which is part of phase II). Phase II involves interviews conducted in states hosting refugees outside the area.

3/ Including those by innumerable journalists in addition to NGOs such as Amnesty International, Equality Now, Helsinki Watch, the World Council of Churches and intergovernmental organisations such as the European Community (as it then was). Within the United Nations a mission was carried out in January 1993 by medical experts working under the mandate of the Commission on Human Right's Special Rapporteur on the Human Rights situation in the former Yugoslavia (E/CN.4/1993/50, 10 February 1993). See also the Special Rapporteur's most recent report (E/CN.4/1994/47) and the Report of the Secretary General on rape and the abuse of women in the territory of the former Yugoslavia (E/CN.4/1994/5).

4/ Sixth Periodic Report: UN Doc E/CN.4/1994/110, at para. 54.

5/ This dissemination approach finds echoes in that used by the Truth Commission for El Salvador in an ultra-sensitive political climate to invite potential victim-witnesses to give information regarding grave acts of violence (a major difference with the current project is its use of the mass media). The Interviews Coordinator directly observed this while acting as a human rights monitor in ONUSAL. Seven thousand statements were received in the Truth Commission's offices as a result of their dissemination campaign; see From Madness to Hope: The Twelve Year War in El Salvador, 1992/1993, at 41 of the original Spanish text.

6/ When teams were to be based outside Zagreb, the Interviews Co-ordinator set up contacts with NGOs, etc., in the area in advance of the team's arrival. A meeting with all the relevant local actors was set up for the first day of the team's work to introduce the interviewing team and to build on the earlier contacts made to arrange interviews. For this initial meeting, the teams were accompanied by the Interviews Coordinator, Mr. Osorio or Ms. Maja Dražnović (who both have extensive experience in this type of field work) to assist them in this initial period. In addition, to allow the teams time to settle in before they undertook their own scheduling for the succeeding days, interviews for the first few days would sometimes be scheduled there by the Interviews Co-ordinator (through contacts in Zagreb).

7/ Where it was obvious that this was repeatedly happening with a team outside Zagreb, after discussions with the teams involved (who were probably becoming a little frustrated) the Interviews Coordinator would invite them to return to Zagreb where they would join the scheduling programme of the Interviews Coordinator.

8/ It goes without saying that most contact persons use the term "massacre" very loosely to cover everything such as a shell hitting a town to the witness' relative being killed in battle.

Notes (continued)

9/ This should serve as a reminder of the depth of the suffering of these victim-witnesses and of the need for utmost concern in working with them.

10/ This is discussed elsewhere, Memorandum from the Interviews Co-ordinator to the Chairman of the Commission of Experts of 21 March 1994.

11/ Video-taping of witnesses is a particularly sensitive issue in the context of rape victims, and for this additional reason this procedure not be adopted.

12/ Statement by the President made at a briefing to members of Diplomatic Missions, at the end of the Second Session 17 January to 11 February 1994, IT 29; See Rules of Procedure and Evidence IT/32, 14 March 1994.

13/ These camps were actually located in FRY, in the region of Vojvodina. However, since the population of these camps was primarily from Croatia, they are discussed in this section.

14/ These paragraphs are drawn from the Memorandum of the Investigation Coordinator to the Chairman of the Commission of Experts of 10 January 1994.

15/ See, id.

16/ Article 7(3) of the Statute of the International Tribunal, invokes the responsibility of superiors where:

> ". . . if he knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof."

17/ The case of Omarska is an interesting one in this context because international journalists obtained permission to visit the camp from the highest levels of the Bosnian Serb leadership. The journalists exposed the horror of the camp and effectively forced its closure. The circumstances of this access given to international journalists should be investigated as it may (or may not) be evidence of a lack of knowledge by superiors of the nature of the camp (otherwise, the argument goes, why would access be granted to the journalists).

18/ In particular, it does not contain contacts for BiH nor for FRY.

19/ Major Bob Moquin (Canada), Zagreb, 28 February 1994, during the briefings for the project participants.

20/ See Memoranda from the Interviews Co-ordinator to the Chairman of the Commission regarding the inherent limits of the Plan of Action dated 10 January 1994; as well as 13 February 1994. Although it should be noted that because of the sheer scale of the project, with 223 interviews carried out, it was possible to achieve some focus, for example, regarding the 19 women interviewed from the Kotor Varoš area.

Notes (continued)

21/ Although the Interviews Coordinator is not yet aware of how this will function.

22/ This appendix is taken verbatim from Diagnostic and Statistical Manual of Mental Disorders (Fourth ed. American Psychiatric Association ed., 1994).

23/ Id. at 227.

24/ See, id. at 335.

25/ Id. at 684-85.

26/ Id. at 481.

27/ Id. at 626-27.

28/ Id. at 449-50.

29/ Id.

30/ Id. at 427-29.

FINAL REPORT OF THE UNITED NATIONS COMMISSION OF EXPERTS
ESTABLISHED PURSUANT TO
SECURITY COUNCIL RESOLUTION 780 (1992)

ANNEX IX.B
RAPE PILOT STUDY (SARAJEVO)

Under the Direction of:

William J. Fenrick
Member and Rapporteur on On-Site Investigations,
Commission of Experts Established Pursuant to
Security Council Resolution 780 (1992)

Principal Legal Analyst:

Lieutenant-Colonel K.S. Carter, Consultant to
the Commission of Experts

Investigators:

Petty Officer J. Ross, Canadian Armed Forces;
Member of Canada's Contributed Personnel to the Commission of Experts

Master Corporal T. McCombe, Canadian Armed Forces;
Member of Canada's Contributed Personnel to the Commission of Experts

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 3	3
II.	OBJECTIVE	4	3
III.	METHODOLOGY	5 - 6	3
IV.	RESULTS	7 - 9	5
V.	LEGAL ANALYSIS	10 - 20	5
VI.	PROSECUTION DIFFICULTIES	21 - 26	7
VII.	LESSONS LEARNED	27	8

I. INTRODUCTION

1. A Cooperation Service Agreement relating to the employment of the Canadian War Crimes Investigation Team, dated 16 June 1993, and agreed to by the representatives of the United Nations and the Government of Canada, provides the legal framework for a pilot study on the issue of rape to be conducted in Sarajevo.

2. Three people, two military police investigators and one military lawyer conducted the pilot study. All members of this sub-team are female.

3. The rationale for attempting the pilot study in Sarajevo was that the State Commission for Gathering Facts on War Crimes in the Republic of Bosnia and Herzegovina (BiH) and the League for the Help of Victims of Genocide are located in Sarajevo. During a visit in April by the Commission's Chairman and Rapporteur for On-site Investigations, conversations with members of these groups indicated that they had already collected, and could make available, a substantial amount of information on this issue.

II. OBJECTIVE

4. The original objective of the pilot study was to prepare a report assessing the feasibility of prosecuting alleged perpetrators and, if practicable, their superiors in certain individual rape cases.

III. METHODOLOGY

5. It is useful to outline the actual work done in Sarajevo in order to convey the practical possibilities of such an investigation.

(a) Thursday, 24 June 1993 - the team arrived in Sarajevo in the early afternoon. A meeting was held with the four interpreters assigned to the group. After assessing the linguistic capabilities and temperaments of the interpreters, two women were selected to work on this project. Due to the dangers and difficulties of travelling to and from the Holiday Inn, it was decided that the interpreters should also stay at the hotel. This turned out to be a wise decision, since they were extensively employed in translating statements in the evenings, which would have been impossible outside the Hotel due to lack of electricity.

(b) Friday, 25 June 1993 - a morning meeting was held with representatives of the State Commission for Gathering Facts on War Crimes in the Republic of Bosnia and Herzegovina and the League for the Help of Victims of Genocide. As a result of that meeting, the team received a computer list of the information held by, as understood at the time, the League, which was described as the organization which coordinated all available information on this issue. The list was in Bosnian and divided into five parts: victims, witnesses, incidents, alleged perpetrators, and documents. At that meeting, the team also met Mrs. Azra Smajović the Vice-President of the League and its representative on the BiH War Crimes Commission. Arrangements were made with her to visit the Koševo Clinic, where a number of victims of rape had been treated and where the league files were kept. The team had been informed previously by the On-site Rapporteur that during his and the Chairman's earlier visit the League had stated that it had 89 files on named individuals who had been raped. Mrs. Smajović during this meeting indicated that she believed that only about 15 victims might still be available in Sarajevo for interviews.

(c) Saturday, 26 June 1993: Work continued on the translation and inputting of information from the list. In the afternoon, a visit was made to the Koševo Clinic. Dr. Šimić, the Head of Gynaecology and Obstetrics, gave the team a tour of those facilities. He indicated that 24 women had been treated in the past year as a result of rape and five had received abortions. None of them were currently hospitalized. He did, however, introduce the team to a 13-year old girl who he had operated on for a ruptured appendix, but who had suffered other internal injuries as a result of being raped. Dr. Simić indicated that she was not yet strong enough to be interviewed, but that if we contacted him later in the week he would arrange for an interview. The team then went to another building in the Koševo Clinic complex, which was the headquarters of the League. There the Team met with Mrs. Smajović and Dr. Šadija Hadžisović, a psychologist and the head of the League. After some discussion, we established that the League had only nine files, seven of which related to women who had been raped. These files consisted of a single information sheet which was filled out on the victim. The team was informed that all the same material was available in the files of the Bosnian War Crimes Commission. Arrangements were made to obtain access to the files at the earliest possible date.

(d) Sunday, 27 June 1993: All the material was entered into notebook computers provided by the Commission. The team had developed a simplified database programme, based on the Chairman's information sheets. Unfortunately, even this more simplified version proved unworkable under "field conditions"; consequently, the investigators developed an even simpler, but workable, format. Information was sought from various UN sources regarding the rape issue.

(e) Monday, 28 June 1993 - the two investigators obtained permission to take the 105 files identified by the Bosnian War Crimes Commission as relating to rape to UNPROFOR Sarajevo Sector to be photocopied. It is perhaps useful to emphasize the great amount of time it takes in Sarajevo to achieve tasks which might take only a few hours in a more normal European or North American context. There were no telephones, in most cases no electricity, and severe restrictions on movement due to sniper fire and shelling, in addition to having to work through interpreters.

(f) Tuesday, Wednesday, 29-30 June 1993: Translated and input information from the file.

(g) Thursday, 1 July 1993: Investigators conducted an interview of the young girl in the Kosevo Clinic who had been identified as a victim of rape. Dr. Simić also informed the investigators that another woman who was four months pregnant had just come in that day asking for an abortion. She was identified by him as a rape victim who had been recently exchanged by the Bosnian-Serb authorities as part of a personnel exchange. He indicated that he would speak with her and ask if she would agree to be interviewed. Work also began on correlating the information being translated and input. Two primary candidates for interviewing were selected. Preliminary discussions with representatives of the Bosnian War Crimes Commission and the League indicated that it would be impossible for them to make those two people, or indeed any other victims, available for interviews.

(h) Friday, 2 July 1993: A formal request was conveyed to the Bosnian War Crimes Commission that the two victims identified be made available for an interview. It was decided that the best time and location would be 0900h on Monday at the Bosnian War Crimes Commission's offices. The translating and input of information from files continued.

(i) Saturday, 3 July 1993: The team was confined to hotel for most of the day due to heavy shelling. UNPROFOR vehicles were not on the streets. The translation, input and correlation of reports was continued.

(j) Saturday, 4 July 1993: The team leader went to the Koševo Clinic to determine if the woman identified by Dr. Simić was available to be interviewed. Unfortunately, due to the influx of patients as a result of the heavy shelling the day before, she had already been released. The translation, input, and correlation of the reports was continued.

(k) Monday, 5 July 1993: The investigators went to the Bosnian War Crimes Commission offices to conduct the two interviews. Regrettably, the Bosnian War Crimes Commission indicated it had been unable to arrange the interviews. The translation, input, and correlation of reports received was continued.

6. The methodology followed by the team was to first obtain all relevant information in the possession of local groups in order to avoid unnecessary delays and duplication of effort. This material was then translated with priority being given to those files where it was indicated, or seemed most likely, that the victim was still available to be interviewed. The information from these files was then input in a simple, but effective, database to enhance preservation, correlation, and future use of the information. Concurrently, as victims became available, and if they were willing to speak to investigators, interviews were conducted. These interviews were recorded on audio and video tape. It was the intention of the team, had circumstances permitted, to also interview other witnesses to specific incidents.

IV. RESULTS

7. The team acquired a print-out of the BiH War Crimes Commission's database containing all the information identified as relating to the issue of rape. The database is organized into five categories, listing 126 victims, 113 incidents, 252 alleged perpetrators, 73 witnesses, and 100 documents.

8. In addition, the team acquired copies of all the files in the possession of the BiH War Crimes Commission and identified as relating to rape. A total number of 105 were obtained. All the material obtained from the BiH War Crimes Commission was in Bosnian and had to be translated. A first review of these files indicated that approximately eighty relate to allegations of rape. At best, these files consist, of copies of victims' handwritten statements. At worst, they contain a newspaper article or a government statement. The most complete file contains a single statement from a victim or a witness. The information has been translated, input, and incorporated into the analysis of, Annex IX, Rape and Sexual Assault.

9. The team had a video and audio record of the interview of the 13 year-old girl who was identified as a victim of rape.

V. LEGAL ANALYSIS

10. The 1907 Regulations Respecting the Laws and Customs of War on Land, recognized as customary international law, provide at article 46: "Family honour and rights, the lives of persons . . . must be respected." It is submitted that in the context and language of the times, this clearly indicates that rape, as a contravention of "family honour," is not permissible conduct.

11. Under Geneva Conventions I and II, Wounded and Sick on Land and Wounded, Sick and Shipwrecked at Sea, the protection provided to women from rape is a combination of the prohibition under article 12 against "violence to their persons" and the injunction that they "treated humanely" and "be treated with all consideration due to their sex."

12. Women combatants are protected against rape while being held as prisoners of war under articles 13 and 14 of Geneva Convention III, which provide:

> "Prisoners of war must at all times be treated humanely. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention . . . prisoners of war must at all times be protected, particularly against acts of violence . . . and against insults . . . . Prisoners of war are entitled in all circumstances to respect for their honour. Women shall be treated with all the regard due to their sex . . . ."

13. This analysis has as its foundation, the opinion of the Commission of Experts, expressed in paragraph 45 of its Interim Report (S/25274) of 10 February 1993 that:

> ". . . the character and complexity of the armed conflicts concerned, combined with the web of agreements on humanitarian issues the parties have concluded among themselves, justify an approach whereby it applies the law applicable in international armed conflicts to the entirety of the armed conflicts in the former Yugoslavia."

Even if this were not the case, the Federal Republic of Yugoslavia, as a successor state to the former Socialist Federal Republic of Yugoslavia, as well as Croatia, Slovenia, and BiH, by declaration, are bound by common article 3 of the Geneva Conventions of 1949, prohibiting . . . "violence to life and person . . . [and] . . . outrages upon personal dignity, in particular humiliating and degrading treatment" . . . and article 4[2] of Protocol II of 1977 to the Geneva Conventions of 1949, prohibiting . . . "outrages upon personal dignity, in particular . . . rape, enforced prostitution and any form of indecent assault." Rape is a war crime. In conflicts to which international humanitarian law applies, it is prohibited by both customary law and specific treaties.

14. It is only in Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War that rape is specifically and directly prohibited. Article 27 provides: "Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault." Any such act which "wilfully causes great suffering or serious injury to body or health" constitutes a grave breach under article 146 of Geneva Convention IV.

15. Articles 75 and 76 of 1977 Additional Protocol I to the Geneva Conventions of 1949 contain specific prohibitions against rape, enforced prostitution and indecent assault of any woman, whether a combatant or a non-combatant. These articles prohibit:

> ". . . outrages upon personal dignity, in particular humiliating and degrading treatment, enforced prostitution and any form of indecent assault . . . threats to commit any of the foregoing acts . . . Women shall be the object of special respect

and shall be protected in particular against rape, forced prostitution and any other form of indecent assault."

16. As breaches of international humanitarian law, rape and those offences associated with it, in addition to constituting domestic offences, are clearly punishable under the domestic legislation of the former republics of Yugoslavia to the extent that legislation incorporates, in particular, the Geneva Conventions and Protocol I.

17. To the extent that rape and those other offences associated with it constitute grave breaches of the Geneva Conventions and Protocol I, other States, pursuant to article 147 of Geneva Convention IV and articles 80, 88 and 89 of Protocol I, are required to take prosecutorial action in regard to those persons against whom a case has been made. Alternatively, those States have a duty to cooperate in extraditing such persons.

18. Most recently, a number of such offences have been identified as falling within the jurisdiction of the International Criminal Tribunal, established to try serious war crimes committed in the territory of the former republics of Yugoslavia since January 1991.

19. The essential elements of the offences of rape, enforced prostitution and indecent assault are not specified in the applicable law. It is suggested that it is reasonable to take the approach that rape requires evidence of vaginal penetration, but that indecent assault encompasses all other forms of sexual assault on both male and female persons. Enforced prostitution of female persons is prohibited under both Geneva Convention IV and Protocol I. Enforced prostitution of male persons is only directly prohibited under Protocol I, though a strong argument can be made that such a prohibition is incorporated under a more general heading. The essential element of enforced prostitution would appear to be the forcing of an individual to engage in various forms of sexual relations with a number of partners. It is considered that there is no requirement for an "exchange" of services of a sexual nature for benefits. There is however a distinction between enforced prostitution and multiple acts of rape. The former would be more appropriately charged when an individual is held for a period of time by an individual, several individuals, or an organization and forced to engage in sexual relations with multiple partners. Individuals, themselves, might not actually rape a victim, but could nevertheless be involved in keeping them in a situation of enforced prostitution. The individuals who engaged in sexual acts with a victim of enforced prostitution might also be charged with rape or indecent assault.

20. The responsibility for such violations of international humanitarian law would rest with the individual perpetrators, but also, through the doctrine of command responsibility, with those higher in the chain of command who not only organized or condoned such action but also those who failed to deter or punish such action by troops or other individuals under their command. The standard commanders will be held to is: did they know, or ought they to have known (a wilful blindness/recklessness standard) that such actions were occurring and, being in a position or otherwise obligated to prevent such violations, did they fail to take the appropriate action.

VI. PROSECUTION DIFFICULTIES

21. Rape and other associated offences of a sexual nature are notoriously underreported in almost every society. This underreporting is exacerbated in direct proportion to the degree a society denigrates a victim for the offence perpetrated upon him or her. This cultural impact must be taken into account when trying to obtain reports of rapes, as well as while conducting interviews

with the victims and seeking the agreement of the victims to testify before a tribunal or similar body.

22. In order to obtain reports of rape incidents from victims it is recommended that long-term contacts be established with medical, social, and religious organizations, which may be more readily contacted by victims and which could assist them during the traumatic decision to report the rape and process of reporting. It is also recommended that a standard method of obtaining information from, and tracking the location of, victims and witnesses be developed in conjunction with such organizations in order to maximize the preservation and usefulness of the initial reports received.

23. Consideration must be given as to whether a victim's identity can be fully protected before and during trial proceedings, and whether a victim's testimony can, in some cases, be given outside a tribunal setting (i.e. in another location, or in a "commission evidence" setting).

24. It would also be useful to explore the extent to which the culture of a particular victim would permit testimony relating to other rapes and sexual assaults which she or he may have witnessed, even if the victim will not testify to what happened to her or himself.

25. Even with victims who are willing to give statements or testimony, there may be severe difficulties in obtaining from them sufficient details to substantiate convictions. For example, with relatively young and/or innocent victims with no prior sexual knowledge and/or experience, obtaining a description of what happened to them can be very difficult. There is a lack of concepts and terminology and a description may be: "then many men hurt me down there". It is recommended that techniques such as the use of anatomically-correct dolls be relied upon in interviews once it is established this is culturally acceptable.

26. A consequence of such difficulties is that the completion and retention of medical documents substantiating reports of rape become even more vital.

VII. LESSONS LEARNED

27. The most important lessons learned from this pilot study are:

(a) although the information obtained from the Bosnian War Crimes Commission is a useful starting point, it is neither as extensive nor as comprehensive as the team was led to believe. Also it was not being gathered and organized to assist in conducting investigations of offences nor in preparing prosecutions;

(b) information is available from a variety of sources, both local and international (i.e. UNPROFOR) but it is considerably less than "advertised". In addition, it is not being preserved, collected, and organized with the idea that it be useful for prosecution. To achieve that goal, dedicated personnel, most effectively those with police investigatory and law of armed conflict backgrounds, should be deployed as soon as possible in a pre-prosecution investigatory phase; and

(c) small teams, including a high proportion of female personnel, deployed for extended periods in specific geographic locations would be the most effective means of gathering such information.

FINAL REPORT OF THE UNITED NATIONS COMMISSION OF EXPERTS ESTABLISHED PURSUANT TO SECURITY COUNCIL RESOLUTION 780 (1992)

ANNEX X
MASS GRAVES

Under the Direction of:

M. Cherif Bassiouni
Chairman and Rapporteur on the Gathering
and Analysis of Facts, Commission of Experts
Established Pursuant to Security Council Resolution 780 (1992)

Principal Legal Analyst:

Georgann M. Grabiec, IHRLI Staff Attorney

Contributors:

Richard R. Danis, Jr., IHRLI Volunteer Analyst
Carolyn Durnik, IHRLI Staff Attorney
Jim Rogan, IHRLI Staff Analyst

and

The Staff of the International Human Rights
Law Institute, DePaul University

CONTENTS

				Paragraphs	Page
I.	INTRODUCTION			1 - 4	4
II.	ANALYSIS			5 - 397	5
	A.	Summary analysis		5 - 24	5
	B.	Analysis by geographic location		25 - 397	9
		1.	Bijeljina County	25 - 31	9
		2.	Bosanski Brod	32 - 34	10
		3.	Bosanska Dubica	35 - 37	10
		4.	Bosanski Novi	38 - 43	10
		5.	Bosanski Petrovac	44 - 48	11
		6.	Brčko	49 - 63	12
		7.	Doboj	64 - 67	14
		8.	Foča	68 - 78	15
		9.	Gacko	79 - 86	16
		10.	Gospić	87 - 89	18
		11.	Ključ	90 - 101	18
		12.	Konjic	102 - 104	20
		13.	Kotor Varoš	105 - 111	20
		14.	Kupres	112 - 119	21
		15.	Modriča	120 - 124	22
		16.	Mostar	125 - 144	23
		17.	Nova Gradiška	145 - 149	25
		18.	Odzak	150 - 151	26
		19.	Ogulin	152 - 154	26
		20.	Osijek	155 - 163	27
		21.	Pakrac	164 - 183	28
		22.	Petrinja	184 - 192	31
		23.	Podravska Slatina	193 - 195	32
		24.	Prijedor	196 - 275	33

CONTENTS (continued)

		Paragraphs	Page
25.	Rogatica	276 - 279	43
26.	Sanski Most	280 - 287	43
27.	Sarajevo	288 - 296	44
28.	Slavonska Požega	297 - 299	45
29.	Sokolac	300 - 303	46
30.	Srebrenica	304 - 305	46
31.	Titova Korenica	306 - 311	47
32.	Tomislavgrad	312 - 313	47
33.	Travnik	314 - 320	48
34.	Vinkovci	321 - 330	49
35.	Vlasenica	331 - 336	50
36.	Vukovar	337 - 377	51
37.	Zenica	378 - 385	56
38.	Zvornik	386 - 397	57

I. INTRODUCTION

1. Because of the large scale of victimization in the Yugoslav conflict, many persons are buried in individual and mass graves. The mass graves report attempts to identify and provide relevant information concerning any and all alleged mass graves in the territory of the former Yugoslavia. This study is not designed to classify sites based on their prosecutorial potential, but to provide a factual description, and whenever possible, some analysis of the mass graves reported to be in existence as of 30 April 1994. It should be noted that the reporting or existence of a mass grave does not necessarily imply that a war crime has been committed.

2. It is significant to note that further study of mass graves should be made for three reasons:

(a) A mass gravesite is a potential repository of evidence of mass killings of civilians and POWs. Such sites can yield forensic information which can provide evidence or insight into the circumstances surrounding the deaths of those buried there.

(b) The manner and method by which a mass grave is created may itself be a breach of the Geneva Conventions, 1/ as well as a violation of the customary regulations of armed conflict. 2/ The Geneva Conventions 3/ require parties to a conflict to search for the dead and to prevent their bodies and remains from being despoiled. 4/ For every deceased person who falls into the hands of the adverse party, the adverse party must record, prepare, and forward all identification information, death certificates and personal effects to the appropriate parties. 5/ Parties to a conflict must also ensure that deceased persons are autopsied and buried in individual graves, as far apart as circumstances permit. Bodies should not be cremated except for hygiene reasons or for the religious reasons of the deceased. 6/ Interment should be carried out in an honourable fashion, according to the religious rites of the deceased. Victims should be grouped by nationality and their graves maintained and marked so that they can be easily found. 7/

(c) The identification of mass graves can serve a reconciliatory purpose between the "warring factions", so that the families of those killed during the conflict can learn the whereabouts of their loved ones.

3. This report is divided into two sections. The first section is the summary analysis and the second section consists of factual descriptions of all reported gravesites and analysis by geographic location. The Summary Analysis, in Section II below, discusses the methodology of the report, defines relevant terms, and tracks the following information: total number of graves; number of graves in each geographic region; number of graves by ethnicity of victim and of perpetrator; number of graves containing a given range of bodies; number of graves where information suggests the bodies were victims of mass killings; number of graves near detention facilities, and so forth. In addition, this section will discuss patterns, trends, and commonalities which have manifested themselves in the various reports of mass grave sites.

4. The Analysis By Geographic Location, in Section II(B) below, describes gravesites by county and is organized alphabetically. The 1991 population and ethnic distribution information is provided for each county, as well as a brief summary of military activity in the region, if available. Many of the counties reported multiple mass graves. The section also contains the following:

(a) All identified gravesites in that county are then discussed in detail. A full description of the location of the grave is given, along with all known relevant events leading up to the creation of the gravesite. Ethnicities of victims and perpetrators are identified; however, names of victims have been redacted to protect their identities as well as those of their families. The names of some perpetrators reportedly involved in the events surrounding the mass grave are known, but not disclosed.

(b) Other information includes the number of bodies buried in the grave, how the grave was created, and any investigations, visual sightings or forensic explorations of the grave and data gained therefrom.

II. ANALYSIS

A. Summary analysis

5. For the purposes of this report, "grave" is defined as any site which: 1) is intended as a place of permanent interment and 2) has physical characteristics which prevent the bodies from being moved by the natural elements. Accordingly, rivers do not fall within the definition of mass graves for this report, nor do groups of bodies left to decompose on forest floors. "Mass" is defined as any group of two or more persons sharing the common place of interment. "County" is defined as a region known as an "opština". An opština is larger than a municipality or town, and includes smaller villages and hamlets which surround the larger cities. "Ethnicity of perpetrator" is defined as the ethnicity or religious affiliation of the party responsible for the deaths that led to the creation of a mass grave. In many instances, the party responsible for the killing is not the party directly involved in creating the mass grave. This would occur in a situation where civilians were killed and their neighbors had no choice but to bury them in mass graves, due to time, sanitary, or safety considerations.

6. Reports of mass graves are entered into the IHRLI database. The database generates a separate screen for each reported mass grave and tracks all relevant information available about each site.

7. When a report of a mass grave is received by the database, it is cross-checked against any factual information already on hand to avoid duplication. If the report contains data on a gravesite previously identified in the database, any new data is incorporated into the active file in the database. If the report concerns a new mass grave, a file is opened for that grave. The purpose of the files is to develop and organize information for analysis and track corroborative accounts of mass graves.

8. This report is based on over 10,000 pages of source information received and database incidents developed by IHRLI. This information is submitted by a variety of sources, including UN organizations, member states, governments of the warring factions, intergovernmental organizations, and non-governmental organizations. 8/ The substance of the information received varies from general reports of patterns of activity in the former Yugoslavia to detailed witness accounts, which describe specific incidents at length.

9. Based on the available information, there are four general types of mass graves which exist in the territory of the former Yugoslavia. The first type is a gravesite where the bodies were victims of a mass killing but the method and manner of burial were proper. 9/ The second type is a gravesite where the bodies were those of civilian casualties or soldiers killed in combat, and therefore not unlawful killings, but the method and manner of burial were improper. The third type includes gravesites where the bodies were victims of a mass killing and the method and manner of burial were improper. Finally,

the fourth type includes gravesites where neither the circumstances surrounding the deaths of the victims nor the manner and method of burial were improper.

10. The number of mass graves reported to exist is as follows:

(a) 38 counties 10/ in Bosnia and Herzegovina (BiH) and Croatia contain a total of 187 11/ alleged mass grave sites, with 143 in BiH and 44 in Croatia;

(b) Over half of the sites in Croatia (27) are located in the eastern region of the republic, comprising the counties of Vukovar, Osijek, and Vinkovci; and

(c) Over half the sites (79) in BiH are located in the north-western quarter of the republic, comprising the counties of Prijedor, Ključ, Kotor Varoš, Sanski Most, and others.

11. The number of bodies said to be contained in the graves are as follows:

(a) 25 contain at least 10 bodies;

(b) 16 contain at least 10-20 bodies;

(c) 29 sites contain at least 20-50 bodies;

(d) 22 contain at least 50-100 bodies;

(e) 20 contain at least 100-500 bodies;

(d) 13 contain at least 500 bodies;

(f) Reports on 62 of the gravesites did not specify the number of bodies buried at the site. For more accurate analysis, reports which contained allegations that "thousands" of individuals are buried at a certain site, without a more concrete number, were classified as "unspecified". Likewise, those reports which claimed that a given number of people were killed in a location, but did not refer to that number in discussing the subsequent burial, are classified as "unspecified"; and

(g) Many persons tend to report large numbers of persons buried in mass graves on the basis of numbers of missing persons, rather than numbers of those killed. This was the case in Sector West, in Pakračka Poljana, where 1,700 bodies were alleged to have been buried. In all, 19 bodies were found by the Commission, at which point the Krajina authorities suggested that 2,500 bodies were actually buried in Marino Selo, a few kilometres away. 12/

12. The ethnicity of the victims buried in reported mass graves are as follows:

(a) 65 are said to contain at least some Muslims;

(b) 32 are said to contain at least some Croatians;

(c) 19 are said to contain at least some Serbs; and

(d) 81 sites did not have the ethnicity of the victims specified. It should be noted that many of the gravesites are said to contain victims from more than one ethnic group, usually Muslims and Croatians. Where a mass grave is alleged to have victims of multiple ethnicities, the site is counted twice, once for each ethnicity reported.

13. The ethnicity of perpetrators responsible for killing persons buried in mass graves are as follows:

(a) Persons buried in 81 of the reported gravesites are alleged to have been killed by Serbs;

(b) Persons buried in 16 of the gravesites are alleged to have been killed by Croatians;

(c) Persons buried in five of the gravesites are alleged to have been killed by Muslims; and

(d) Of the reports, 87 of the reports did not identify a perpetrator. Where the ethnicity of the perpetrator was not clearly established from the data, sites are classified as having an unspecified perpetrator, despite one ethnic group's clear military control of the region. 13/

14. Of the reported sites, 54 of the reported sites are at or near detention facilities. This comports with the data that suggests many of the victims buried in mass graves were prisoners who died or were killed at detention facilities run by an adversarial ethnic group.

15. Over half (99) of the alleged gravesites appear to contain victims of mass killings. In these instances, the source information clearly detailed the circumstances of the killing 14/ or provided witness testimony about the deaths of the victims.

16. There are several trends which appear throughout the report of mass graves in both BiH and Croatia, including Serb-inhabited areas of Croatia, such as Krajina and Eastern and Western Slavonia. The first is the coexistence of mass graves and detention facilities. Mass graves are frequently reported in areas where numerous identified detention facilities were located and where many individuals were reportedly killed. This coexistence suggests that mass graves were and are deliberately being used as a means of secretly disposing of the bodies of those persons unlawfully killed. 15/ Some of these persons may have been killed in detention, while others were killed in the course of "ethnic cleansing". 16/ This is particularly true in the counties of Brčko, Foča, Pakrac, and Prijedor.

17. A second trend concerns the manner in which the graves are created. After a mass killing, the occupying troops or detention camp guards will often select a handful of civilians or prisoners to assist with loading dead bodies onto trucks to transport them to a burial site. Other prisoners are forced to actually dig the grave in which the dead are to be buried, usually with their bare hands or shovels. After the transport or excavation is completed, the prisoners or civilians are also killed and thrown into the grave with the dead bodies, presumably to eliminate any potential witnesses to the killings and subsequent burials. Lack of available witnesses also accounts for the poor quality of information about many of the gravesites.

18. A third trend appearing from the data concerns a blatant disregard for the rites of a proper burial. Most of the dead in mass graves are neither placed in coffins nor wrapped in any sort of protective material. In many cases, the victims are not identified by name, or registered as dead before burial. 17/ These actions deny the dead a dignified burial and effectively prevent the families of those killed in the conflict from ever tracing their whereabouts.

19. A fourth trend suggested by the data concerns the burial site itself. There is a pattern whereby perpetrators dispose of bodies in pre-existing but nontraditional sites, which provide a ready-made place for body disposal without the use of mechanical diggers or excavators. Dead bodies are frequently thrown in mineshafts, canals, quarries, landfills, caves and the like. In addition, these are the types of sites where bodies are said to be buried in large numbers as opposed to small numbers, possibly because it is easier to effectuate the burial of many people if the need for actual excavation is eliminated.

20. A fifth pattern appearing from the data is the delay or denial of burial by the occupying forces. In many instances, dead bodies will be left on streets, lawns or forests for days or weeks, forcing the surviving civilian population to view the devastation. When villagers attempt to bury the bodies themselves, they are often prevented by the opposing faction or must risk their own lives to do so.

21. A sixth trend is the circumvention of interment altogether. Victims' bodies have been disposed of in a variety of ways which do not embrace actual interment in a grave, be it real or makeshift. The most common non-burial method of disposal is the dumping of bodies into rivers. The Danube, Sava, Sana, and Drina Rivers have all been reported to contain the bodies of killed persons. Some victims have allegedly had their stomachs slit and filled with sand so the bodies remain submerged once in the river. Also, many persons were reportedly burned in ovens or gathered into homes and set ablaze.

22. Many of the methods of burial or disposal of bodies are designed to instill fear and intimidate the civilian population still living in contested areas. This is particularly true in the case of bodies dumped in rivers, where the population downstream is forced to witness masses of bodies floating in the water. When bodies are buried, they are often placed in very shallow graves or merely covered with a layer of dirt, so that body parts often surface during inclement weather. Another example of a burial designed to provoke fear is in Blagaj, located in Prijedor county, where bodies were buried only from the waist down, so that passers-by were forced to view a line of decomposing persons. 18/

23. Many of the attacks which led to the creation of mass graves in BiH occurred in late April, May and June of 1992. This is particularly true in the south-east quarter of BiH, which includes Foča, Gacko, Rogatica and Vlasenica; the north-east quarter of BiH, including Brčko and Zvornik; and the north-west quarter of BiH, which includes Prijedor, Sanski Most, and Kotor Varoš.

24. Mass graves in many regions appear to be the final phase in an "ethnic cleansing" process. 19/ Mass graves are usually found in sectors where forces have followed a distinct pattern of expulsion: the county is attacked by artillery; infantry troops enter the villages and force villagers from their homes, during which time many are killed. Once the houses are emptied, they are looted and burned. Those villagers who are still alive are rounded up and the men are separated from the women, children and elderly. These villagers are either killed, deported or detained; in any event, they rarely return to the village from which they came. The bodies of those killed during the initial expulsion, subsequent detention, or expulsion after release are often deposited in mass graves in and around the area where they were killed or died from torture or other wise. 20/

B. Analysis by geographic location

1. Bijeljina county 21/

25. Bijeljina county represents the north-eastern-most corner of BiH. The county of Bijeljina is situated 40 kilometres east-south-east of Brčko, and 10 kilometres east of the Drina River. The 1991 census calculated the population of Bijeljina at 96,796 persons, comprising 59.4 per cent Serbs, 31.3 per cent Muslims, 4.4 per cent Yugoslavs, and 4.9 per cent "other". 22/

26. Serb forces, including Arkan's men, entered Bijeljina on 1 April 1992, and gave residing Muslims until 7 April to surrender any weapons they had, assuring them that nothing would happen to them. 23/ After midnight on 8 April Serbs began to enter selected Muslim houses. By the first week of May half of the non-Serb population of Bijeljina had fled; however, on 7 May Serb authorities forbade anyone from leaving the city. 24/ As of 11 May, the Serb forces still had not destroyed the city. 25/

Gravesites

27. Bijeljina: Someone from Bijeljina reported that random killings took place during the first week of Serb aggression against the town of Bijeljina. 26/ She said that people killed by automatic weapons (and not shells) were lying in the street, and were picked up by the garbage collection service to be carried to the Drina River. 27/ She further related how families had been killed in their homes, which prompted people to begin burying their relatives or others they knew in their own gardens. Bodies were also taken off the street for burial. 28/

28. Novo Selo - Animal Disposal Site: 29/ Novo Selo is a town located approximately 10 kilometres to the south of Bijeljina and is .5 kilometres east of the Drina River, with an estuary, the Janja River, bisecting the centre of town. According to one report, Arkan's units and local Serbian soldiers killed an estimated 1,000 Muslims. They threw some of the bodies into the Drina River and buried an unknown number in an animal disposal site north-west of Novo Selo. 30/

29. Hills of Brijesnica: The hills of Brijesnica are located near the village of Brijesnica, which is approximately three kilometres east of Bijeljina. One account states that following the initial raid on Bijeljina, which took place during the first week of April 1992, Serbs would take the mutilated bodies of those they had killed to the low, forested hills of Brijesnica. There, they threw the corpses into open pits and covered them with dirt. Other corpses were taken by truck at night and dumped into the Drina River. 31/

30. Batković Prison Camp - Cow Stable: 32/ The town of Batković is located 10 kilometres north of Bijeljina, where a prison camp reportedly existed at the dead end of a road approximately one kilometre north of the town. Most deaths would occur at night and corpses were normally wrapped in sheets and then removed by a military truck every morning. 33/

31. A witness stated that there was a mass grave located next to the Batković prison camp. At least 15 bodies were buried next to a cow stable that stood approximately 200 metres south-west of the camp's nine buildings. The cow stable was 50 metres long and 10 metres wide, and was constructed of stone on the bottom half and wood on the upper half. The prisoners at Batković neither knew the identity of those buried at the stable nor the circumstances of their deaths. 34/

2. Bosanski Brod 35/

32. Bosanski Brod is in northern BiH. The Sava River constitutes its northern border, with Slavonski Brod on the opposite side in Croatia. The county contains 33,962 persons, 41 per cent of which were Croatian, 33.8 per cent were Serbian, 12.2 per cent were Muslim, 10.6 were Yugoslav and 2.4 per cent were "other".

33. Military activity in Bosanski Brod began on 18 April 1992, when ZNG units crossed the Sava River from Croatia. 36/ Villagers fled to the forest surrounding the towns which had not yet been attacked. Those who did not escape were killed or taken by the Croatian forces to detention facilities, including the football stadium at Bosanski Brod.

34. There is only one report of a mass grave in this county. A resident of Bosanski Brod was imprisoned and detained at the football stadium, along with a relative. The witness learned from other detainees that the relative was killed during detention. The witness alleged that those who were killed "in this way" were buried in the garden of Luka Krkac, near an enbankment along the Sava River. 37/

3. Bosanska Dubica

35. The county of Bosanska Dubica is located in north-western BiH, on the border with Croatia. According to the 1991 census, the county had a population of 31,577 persons, of whom 69.1 per cent were Serbian, 20.5 per cent were Muslim, 5.8 per cent were Yugoslav, and 4.6 per cent were "other".

36. Hrvatska Dubica is the site of an alleged mass grave. It is unclear whether this village is actually located in Bosanska Dubica, but the county is referred to in the report.

37. On 15 September 1991, Serbs reportedly killed 85 people, mostly elderly, at a location called "Bačina". The bodies were then thrown into an old mine situated on Zelina hill. 38/ The murders were allegedly ordered by a high ranking public official. 39/

4. Bosanski Novi

38. Bosanski Novi is located in north-western BiH, just west of Prijedor county. According to the 1991 census, Bosanski Novi contained 41,541 persons, of whom 60.4 per cent were Serbian, 33.9 per cent were Muslim, 3.7 per cent were Yugoslav and 2 per cent were "other". There are several reports of mass graves in this county.

39. Blagaj: Blagaj is situated in the Japra valley, in a strategic location between Prijedor and Bosanski Novi, and is almost exclusively Muslim. It appears that the village was attacked and occupied by Serb forces in late April or early May of 1992. Eventually, the town became a sort of refugee centre for as many as 7,000 Muslims, despite the fact that the city continued to be attacked and under blockade. 40/

40. There are two separate reports regarding mass graves in Blagaj. The numbers of those buried are identical, as is the place of burial. However, the dates of the burials in the reports are different, as is the manner of burial. Thus, the two accounts will be discussed separately.

41. According to a State Department report, Serb soldiers read 200 names

from a list of men in Blagaj whose relatives had joined the fighting against Serb forces. These men were gathered together, taken to an open field next to the Alići school building, and shot with automatic weapons. 41/ Another group of persons was then given shovels and ordered to dig two parallel trenches, two metres apart, in the field. Each was 100 metres long, one metre deep and 50 centimetres wide. The prisoners were then told to bury the corpses upright and only from the waist down, so that the upper half of the bodies would still be visible. The bodies remained this way for 10 days, and the stench from decomposition was so bad that the Bosnian Serb forces pulled out to the high ground surrounding the village. On 12 May 1992, they moved back into the village and, using heavy machinery, buried the bodies in a mass grave at an unspecified location. 42/

42. Helsinki Watch interviewed another man who was involved in the events in Blagaj. This man noted that in mid-June, Serb soldiers came out with a list of 250 Muslims who were to be deported from Blagaj to Svodna, a nearby Serb village. The remaining people were separated by gender and put on cattle cars. During this operation, 200 people were killed. The source did not observe the killing but said his relative observed four to five corpses on the road back to Blagaj. The following morning, she saw soldiers digging trenches with bulldozers near the school and loading corpses onto tractors. There were two large trenches near the school, each 10 to 20 metres long. It is possible that the trenches that the source's relative observed were those dug by the Bosnian Serbs after they returned to the village. However, the first account says that burial took place in mid-May, not June, as the source's sister believed. 43/

43. Agići: There is an alleged mass grave in Agici, which is situated four kilometres from the Japra River in Prijedor County. According to a witness, a group of 50 Serbians from the village forced all the Muslim civilians from their homes on 22 June 1992. The Muslims were taken to a graveyard which was one kilometre from the village, in the direction of the Japra valley. The men were separated from the women, and the Serbs began beating some of the men. Around midnight, two farm tractors came to the graveyard and transported the women and children to Bosanski Novi. The 25 men who remained at the graveyard, along with the two Muslim drivers of the farm tractors, were never seen again. A Serbian backhoe operator later told the women villagers that he had been sent to the graveyard to bury the bodies of the men, who were killed after being forced to dig their own graves. 44/

5. Bosanski Petrovac 45/

44. Bosanski Petrovac is in north-western BiH, only 20 miles from the western border between BiH and Croatia. According to the 1991 census, the county claimed a total of 15,552 persons, of whom 75.2 per cent were Serbian, 21.1 per cent were Muslim, and 3.7 per cent were "other".

45. Bosanski Petrovac came under the control of Serb forces in the spring of 1992. Many of the Muslim men in the village were sent to one of two places: a makeshift camp in the "Kozile" woods or to Drvar. 46/ Most of the detainees were released or exchanged in the summer of 1992. Bosanski Petrovac is near Ključ, Sanski Most, Prijedor, and Banja Luka, sites where numerous Serb-run detention facilities allegedly have operated during the late spring and summer of 1992.

46. In September of 1992, Muslims killed 15 Serbian troops in Bihać, north-west of Bosanski Petrovac. This reportedly sparked a wave of mass killings of Muslims in Banja Luka and Bosanski Petrovac. After these mass killings, a Muslim leader appealed to the local Serbs in control of Bosanski Petrovac and

requested permission to evacuate 2,500 Muslims to Travnik. The leader of the SDS agreed, and the evacuation took place on 24 September. The county's proximity, both to detention facilities where thousands of persons were allegedly killed, as well as to the city of Bihać, may have been the reason mass graves were created there.

Gravesites

47. Didovići: This mass killing was carried out on 21 September 1992, when approximately 100 Muslims were shot to death. Some of the bodies were buried in the town's only cemetery, 47/ but most were buried in a mass grave in the town's Didovići section. The refugee who provided information regarding the mass killing did not know the grave's exact location. 48/

48. Bosanski Petrovac Cave: A cave in Bosanski Petrovac county, approximately 10 kilometres from the town proper, on the road to Ključ and near Bravsko, was allegedly used as a burial site. A number of Bosnian refugees informed the US State Department about this site. According to the refugees, the site was used to bury Bosnian Muslims killed in Prijedor, Ključ, Sanica, and Bosanski Petrovac. The number of bodies contained at this site was not known. 49/

6. Brčko 50/

49. The county of Brčko is located in north-eastern BiH. The Sava River borders Brčko on the north and east, and Croatia sits on the opposite side of the Sava. According to the 1991 census, Brčko county had a population of 87,332 persons, 44.4 per cent of whom were Muslim, 25.4 per cent were Croatian, 20.8 per cent were Serbian and 6.4 per cent of the inhabitants identified themselves as "Yugoslavs". 51/

50. Military activity in Brčko began on 30 April 1992, when Serb forces blew up a bridge across the Sava River as a group of Muslim refugees was attempting to cross. 52/ A number of refugees were killed. Fighting in Brčko itself commenced the following day, as Serb reservists from Bijeljina launched artillery fire into the Muslim parts of the city. Concurrent with the artillery attacks, local Serbs began arresting their Muslim and Croatian neighbors. "Arkan's" men would transport the prisoners to various detention facilities around the city. 53/ On 8 May 1992, many of the prisoners were taken to a warehouse complex in the old "Luka" port, which was reportedly where thousands of Muslim and Croatian prisoners were beaten, tortured and/or killed during 1992. 54/

51. Along with other persons killed during the attacks on Brčko, these prisoners were disposed of in a variety of ways, including burial in at least seven mass gravesites. None of the sites seem to be sites of legitimate burial. The method and manner of the burials suggest impropriety, as do the circumstances causing the deaths of the victims. 55/ All of the gravesites appear to be within a few kilometres of the city of Brčko itself, as opposed to the small, surrounding villages.

Gravesites

52. Brčko City Dump: The Brčko City Dump is located three kilometres outside of the city of Brčko, off the road to Bijeljina. Many individuals who were killed on the streets of Brčko, as well as those who were killed during detention, are said to be buried at this facility. 56/

53. Brčko Brick Factory: The brick factory is two kilometres from Brčko, along the road to Lončari. Victims of the killings in Brčko are said to buried at this site as well. 57/

54. Brčko Town Cemetery: One report estimates that 3,000 men, women, and children were killed while imprisoned at Luka Camp. The report notes that corpses were taken away from the camp in refrigerator trucks to the town cemetery and buried in shallow graves. Specific information as to the number of bodies buried there, or the location of the cemetery was not provided. 58/

55. Bimex Agricultural Complex: The Bimex complex is located about three kilometres east of Brčko. 59/ According to a witness, there were 32 Muslims and six Croats performing forced labour there. 60/ Approximately 200 metres from the farm, a pit was dug. It was three to four metres wide, 30 metres long and two metres deep. The gravesite can be reached by driving east from Brčko for 1.5 kilometres, a bridge sits across a brook. The grave sits alongside the brook, 70 metres from the right-hand side of the bridge. The witness noted that corpses of men, women, and children were brought to the pit in two refrigerator trucks. The bodies were thrown into the pit and covered with a white substance which smelled like chlorine. 61/ When the unloading was complete, the truck drivers would clean the trucks at the fire hydrant. Once the pit was full, the Serbs brought a front-end loader to the site and covered it with dirt, then with the ruins of the Brčko mosque and another layer of dirt. The grave was then rolled flat and grass was planted. Witness estimated that there were 200 or more bodies at this location.

56. A second witness said that he often passed three large pits, each at least 15 metres long, at the site to which bodies were taken by a truck. The truck had license number BC519-15. 62/ A former prisoner of Luka camp said that as many as 1,000 killings took place between 2 and 22 May 1992, after which the bodies were buried at Bimex. 63/

57. A textile worker from Brčko provided further detail regarding the grave in the Bimex area. He claimed that many of the people who were killed at Luka, as well as Muslims and Croatians buried at two other Serb-run detention facilities in the area, were buried in a series of four mass graves off of the road between Brčko and Brezovo Polje. The sites sit in a wooded area which is between the road and the Sava River. 64/ It cannot be determined whether this site and the site described as being 200 metres from Bimex are the same. However, if the road on which Bimex is situated is 500 metres from the Sava, and the gravesite is between the road and the river, it would seem, then, that the site would be approximately 200 metres from the Bimex complex. 65/

58. Luka Camp Garbage Dump: Many of those killed at Luka Camp were transported to the camp garbage dump or to an area just behind their living quarters. 66/ Detainees were recruited by camp personnel to take the bodies from the site at which they were killed to one of these two places. While this was occurring, those prisoners who had "volunteered" to carry the bodies were often shot themselves. Some of the victims may have still been alive when placed in the dump.

59. Serbian Police Station: The Serbian police station in Brčko, located on Majevička Brigada street, was another site where prisoners from the Luka Camp were sent to dump bodies of those killed during detention. It is unclear whether an actual burial site exists at this location, as no other information about the site was provided. 67/

Other means of disposal

60. Although many of those killed in Brčko during 1992 were put in actual burial sites, the bodies of thousands of others were disposed of in less traditional and, arguably, more brutal ways. During the initial weeks that the Luka Camp was operating, those killed during detention were thrown into the Sava River. Others were thrown into a well, which emptied into the Sava. When bodies began resurfacing in other locations, camp personnel began making slits in the corpses and filling them with sand so as to keep them submerged. 68/

61. After May, 69/ bodies were transported to the "Kafilerija" factories. A witness stated that trucks drove bodies into one of the factory buildings, in which three industrial-sized cooking vats with furnaces were housed. The bodies were dumped inside the building, and the "Četniks" would remove jewelry as well as gold or silver fillings from the bodies. Fingers would be cut off if it was difficult to remove rings from them. Three of Seselj's men guarded the facility. Later, the bodies were reportedly dumped in the furnaces and burnt, after which they were put through a process which ground the bodies into cattle feed. 70/

62. The witness stated that three trucks were involved in the transport to Kafilerija. They left every morning at 4:00 a.m.. One was a civilian refrigerator truck which contained the dead bodies. The second carried 10 to 12 other prisoners, who assisted in the loading and unloading. The third contained Četnik guards. Once these three trucks arrived at Kafilerija, other trucks would proceed there throughout the day, each carrying approximately 20 bodies. 71/ Another report noted that the influx of bodies to the farm was so great that eventually bodies were buried in mass graves or compressed by garbage trucks and taken to dumpsites. 72/

63. In addition, other prisoners, particularly Muslims, were reportedly taken to the dog pound in Brčko, where they were cremated. 73/ One report says this began occurring after 16 May. The dog pound is located on the road from Brčko to the Interplet factory. No details regarding the number of victims were provided. 74/

7. Doboj 75/

64. Doboj county is located in north-eastern BiH. Its northernmost area is the county of Bosanski Brod, which sits on the border with Croatia. According to the 1991 census, Doboj contained 102,546 persons, of whom 40.2 per cent were Muslim, 39 per cent were Serb, 13 per cent were Croatian, 5.5 per cent were "Yugoslav" and 2.3 per cent were "other".

65. Serb forces occupied the county of Doboj in May of 1992, and shelling of the villages began. 76/ Initially civilians were allowed to leave the county, but many remained. On 10 May 1992, the Serbs forced all remaining villagers to leave their homes and to turn over their weapons. Houses were looted and burned. When everyone had been expelled, the Serb soldiers separated the men from the women and children. The women and children were taken away on buses, while the men were left behind. 77/ According to one report, the village of Sjenina, north-east of Doboj proper, was turned into a detention camp, where draft-age men were kept and movement across village lines was not allowed. 78/

Gravesites

66. Sjenina & Grapska Cemetery: Civilians from the two villages of Sjenina and Grapska fled into the forest when the occupation of Doboj began. When they attempted to return to their homes, they were rounded up by Serb irregulars. 79/ They were told that they would be taken to Doboj by bus, but were forced to march there instead. 80/ Forty-five individuals, however, were kept aside and not made part of the convoy. These 45 persons, both male and female, were taken to the cemetery near the mosque and forced to dig graves. When the graves were completed, the people were shot with automatic weapons and pushed into the grave. Afterwards, the grave was filled in and leveled with earthmoving equipment. 81/

67. Jabočić Polje, Pridjel and Čevarlije: Mass graves are reported to exist in the villages of Jabočić Polje, Pridjel, and Čevarlije. No details regarding the precise locations of these gravesites were provided in the report. 82/

8. Foča 83/

68. The county of Foča is located in south-eastern BiH on the Drina River. According to the 1991 census, the population of Foča was 40,513 persons, of which 51.6 per cent was Muslim, 45.3 per cent Serbian, and 3.1 per cent was classified as "other".

69. Foča was seized by Serb forces in the early April 1992 Serb offensive. 84/ On 8 April 1992, unidentified Bosnian Serb units attacked Foča and took many facilities. 85/ At 10:30 a.m. on 8 April, an unknown number of uniformed Serbian male and female citizens of Foča expelled both Serbian and non-Serbian residents of the town from their homes. 86/ After being taken to initial screening stations, the Muslims were taken to two warehouses in the industrial sector of Foča and the Serbs were told to move to outlying villages, where they would be safe from any future combat. 87/ After two weeks, Muslims were sent to detention centres. 88/ Then, after an interval varying from a few weeks to two months, armed men in uniforms, either police reserves, militiamen, or other paramilitary forces, combed the villages conducting house-to-house "interrogations". 89/ The men were often sent to camps, while the women were forced to stay in or around Foča and were frequently raped. A witness reported that Serbs attacked her village of Trošanj on 3 June, and about 50 people, mostly women, were taken in trucks to a workers' barracks called Buk Bijela. 90/ Many people were allegedly killed and many alleged mass graves have been reported in the county of Foča. 91/

Gravesites

70. Tito Sign: The "Tito" sign is a sign commemorating the late Maršal Tito, located on a hill overlooking Foča. 92/ A woman reported that she saw a group of persons, a number of whom were members of the Muslim Democratic Action Party (SDA), being driven up to the sign in a yellow mini-van. 93/ She saw the Serbs make the group strip, take their money and identification cards, and then saw them kill the Muslims with knives. 94/ The woman saw the mini-van bringing other people to the same site where they were killed in a similar fashion over a four to five day period and she believes there is a mass grave under the "Tito" sign.

71. Outdoor Stadium: 95/ The same witness who reported the mass grave under the "Tito" sign reported that there are two to three mass graves near

the outdoor stadium in Foča. 96/ No details regarding how many people are buried there were provided.

72. Potato Field: On 4 May 1992, eight Muslims were lined up and shot by unidentified Bosnian Serb soldiers in Jelec. 97/ The bodies were buried in a potato field, south-west of the only house in the area, by the individual who found the survivor of the shooting and another person. The nearby house was located approximately one kilometre west of Jeleč, in an area called Luka, and was 1.3 kilometres east of Drače. It was used as a vacation home and was the only structure on the southern side of a creek, about 50 metres south of a small bridge. 98/

73. Creek Bank 99/: On 4 May 1992, a group of Bosnian Serb soldiers shot a group of eight Muslims in Jeleč. 100/ One Muslim survived the shooting. 101/ The bodies were buried at the base of a creek bank, on the northern side of the creek, approximately 300 metres south-west of the mass grave in the potato field near the vacation house discussed above. 102/

74. Aharine, Muslim Cemetery: Muslims living in the town of Aharine, a small town approximately 1.5 kilometres south-west of Foča, reported that a mass grave had been dug with a bulldozer in a Muslim cemetery and over 20 bodies had been interred there by unidentified uniformed Serbs from Foča in the summer of 1992. 103/ The grave is on the right side of the road leading north to Foča and is approximately 500 kilometres north-east of Aharine. 104/

75. Foča Hospital: On 20 April, several Muslims 105/ were taken behind the hospital, executed, after being found guilty of possessing weapons, and buried in a grass field behind the hospital. 106/ Muslim Foča residents believe that because the field had an unbroken grass surface before hostilities, and afterward it was full of overturned sod, the soldiers were using the area to bury numerous bodies. 107/

76. Forest near Mesaje: It was reported that on 3 July 1992, the same day the Serbs looted and burned down all the houses in Mesaje, 30 to 40 people who were killed in the forest were buried with bulldozers in one grave in the forest near Mesaje. 108/ It is not clear whether those killed were from the village of Mesaje.

77. Miljevina Cemetery: It was alleged that six unidentified bodies, three male and three female, were buried in a common grave in the Miljevina Cemetery. 109/ No details of the circumstances of their deaths were provided.

78. Goraždanska Jabuka 110/: About 200 civilians are reported to have been killed during Serb attacks and a mass grave was allegedly found in Goraždanska Jabuka. 111/ This information was corroborated in a witness statement. 112/

9. Gacko 113/

79. The county of Gacko is located in south-eastern BiH. Before the war began, the population totaled 10,844 people, of whom 62.4 per cent were Serbian and 35.3 per cent were Muslim.

80. Serbian military activity in the Gacko area occurred during the period of April 1992 until June 1992. The reports vary as to the particular events. A witness reported that Šešelj's men attacked Gacko in April. During the

attack, the Serbs allegedly killed 150 Muslims and arrested approximately 60 to 70 Muslims between the ages of 16 and 45 and detained them in the lobby of the Elektroprivrede hotel. 114/ At a later time, the Serbs took the detained men to a camp in Bileća or other unknown facilities. 115/ The witness stated that after the attack, the Serbs set the town on fire and completely destroyed it. 116/

81. Another witness' account of the attack on Gacko alleged that "ethnic cleansing" began on 1 June 1992. 117/ After Serbs attacked the town, they imprisoned approximately 120 Muslims, age 14 and older, or used them for forced labour. The Serbs also attacked 13 surrounding villages (the "Kula" villages) which were 100 per cent Muslim. The inhabitants that did not manage to escape were tortured and killed. The witness stated that the Serbs gave some of the Muslims certificates to travel to Macedonia. However, the "White Eagles" were reportedly waiting for them at the Motel Košuta, five or six kilometres from Gacko, where the Serbs stopped the cars and beat the men. The Serbian leader, whose name is not disclosed for confidentiality and prosecutorial reasons, reportedly stated that the women and children would be sent home and the men taken to a prison.

Gravesites

82. The World War II Partisan Cemetery: The basement of the hotel Rudnik and the Gacko powerplant served as Serb prisons, where interrogations, beatings, and deaths reportedly occurred. The Serbs buried the killed Muslim prisoners in a mass grave either in or near the World War II Partisan Cemetery in Gacko. There are differing witness accounts of the exact location of the grave.

83. An ECMM submission reports that a witness noticed that an unspecified number of prisoners began to disappear from the prison. The witness related that the Serbs killed the prisoners and threw them into an unmarked mass grave located behind the Partisan cemetery in Gacko. 118/ The witness stated that an excavating machine covered the mass grave afterwards. 119/ The report did not state when the killings and subsequent burial occurred.

84. A US Department of State report, containing the testimony of a witness, differs slightly. The witness related that the Serb infantry forces captured 15 Muslims in Mostar and transported them to the hotel basement prison in Gacko. 120/ The 15 prisoners joined 100 Muslims from the village who were reportedly prominent figures such as teachers, business men and leaders of the community. 121/ The witness stated that about 15 prisoners disappeared after the Serbs allegedly interrogated and beat them. 122/ The witness learned through conversation among the prisoners that the Serbs killed the 15 Muslims and buried them in a mass grave in Gacko's World War II Partisan Cemetery.

85. In yet another eyewitness account, a Serb killed an elderly Gacko man in a church courtyard. 123/ The witness stated that several hours later, a forklift picked up the body and took the remains to a mass grave in the Gatačko field between the World War II Partisan Cemetery and the Bilećanka textile factory. 124/

86. Outskirts of Gacko: There is a possibility that another mass grave exists in or near the town of Gacko. A witness to an attack by Serbs in April 1992 stated that the Serbs killed 150 Muslims and buried them in a mass grave near the outskirts of Gacko. 125/ The witness did not provide additional information as to the location of the grave or the circumstances surrounding its excavation. The witness may or may not be referring to the mass grave in

or near the World War II Partisan Cemetery.

10. Gospić

87. The county of Gospić is located in western Croatia. It is one of the larger counties in Croatia in terms of area, and enjoys a long shoreline on the Adriatic Sea. According to the 1991 census, Gospić had a population of 28,732 persons, of whom 64.3 per cent were Croatian, 31.3 per cent were Serbian, and 4.4 per cent were "other".

88. The "Serb Krajina" area, south of Gospić, has been the site of hotly contested battles between Croatian and Serbian forces. In September of 1993, Croats seized 11 villages on the edge of the Krajina region, in an area called the "Medak pocket". Afterwards, a cease-fire was reached between the two parties, and Croatian forces began to withdraw from the area. While executing their withdrawal, they razed up to 11 villages in the region. All houses in the villages were destroyed, and many civilians were killed. 126/ UN peacekeepers in the area said that evidence in the various villages, such as the use of bulldozers and the discovery of surgical gloves, suggested the destruction was well-planned, and mass graves may have been excavated. 127/ In Krajinovići, a small hamlet in the Medak pocket, two severly burned bodies were found. 128/

89. Later, UN officers concluded that no substantial evidence of mass graves was present in the 11 destroyed villages, despite earlier suspicions. 129/ However, Physicians for Human Rights (PHR) conducted a medicolegal investigation of the Medak pocket in late October 1993. PHR reviewed the postmortem examinations conducted on the bodies and assessed their reliability. Reports on at least two of the bodies autopsied suggested that extrajudicial executions had taken place in the Medak pocket; however, the issue of mass graves was not addressed in the PHR document. 130/

11. Ključ 131/

90. The county of Ključ is located in north-western BiH and the Sana River passes through it. According to the 1991 census, the population of Ključ was 37,233, of which 47.6 per cent was Muslim, 49.5 per cent Serb and 2.9 per cent were classified as "other". 132/

91. Many different Serbian military and paramilitary formations implemented a program of "ethnic cleansing" of all non-Serb residents in towns and villages situated in the district of Ključ. 133/ The Serbs began attacks on many different villages in the Ključ area from late May until early June 1992. 134/ By this time, the Muslim population of Ključ's southernmost district along the Sana River was expelled. 135/

92. By approximately 15 June, Serbian paramilitary forces were present throughout the Ključ region but were not in complete control. They were prevented from taking full control by about 1,700 Muslim fighters who roamed the region's forests and controlled the area at night. Serbian forces attacked Muslims who could not or would not hide in the woods, and almost all Muslim villages in the region suffered casualties. Single households or groups of villagers would be marched behind their houses and executed by machine-gun. As a result of these Serbian attacks, many people were killed and there are several allegations of mass graves in the area. 136/

Gravesites

93. Prhovo: An unnamed 137/ witness described a mass killing in Prhovo 138/ and provided the location of a mass grave in that village. At approximately 2 p.m. on either 1 or 3 June, Serbian forces entered the village 139/ and had a woman, S.M., use a megaphone to call all residents to the centre of the town. 140/ The Serbs then opened fire on the villagers, killing approximately 200 men, women, and children. 141/ The victims were thrown into a mass grave in a wooded area approximately 200 metres from the village centre. 142/ The witness also provided a list of those killed and the alleged perpetrators. 143/

94. A Muslim man who had escaped to the woods when the shooting started in Prhovo went to the District Secretariat for Internal Affairs (SUP) building in Ključ and told the Serb officials that the dead were still lying in the streets and that the decaying corpses represented a health risk. 144/ He asked for permission to bury them. Eventually, the Serbs agreed to allow him to return to Prhovo and select a gravesite. 145/

95. At about 7:00 a.m. on 9 June, the Muslim man and three others selected a gravesite in an approximately 30 to 40 metres wide area of low land between the third and fourth houses in the village (counting from the southernmost house). This area was on the west side of the road, and was bordered by a fence. 146/ A digging machine and three busloads of soldiers arrived by 11:00 a.m. and began digging. 147/ When the grave was finished, it was about three metres by four metres and 2.5 metres deep. 148/ The four men then threw the bodies of the Prhovo victims into the hole and the machine covered the grave with earth. 149/

96. Velagići: Velagići 150/ is located five kilometres north-west of Ključ. According to the US Department of State, the population of this village was 8,000 people, of which 75 per cent were Muslim, 24 per cent Serb and 1 per cent Croat. 151/ In June 1992, several men 152/ reportedly organized, oversaw, and executed a mass killing, in which 282 Muslim men were killed in front of a school near Velagići and then buried in a mass grave. 153/ The school was a brick structure measuring 20 metres long by 30 metres wide and was painted white. 154/ It was situated in a field approximately 50 metres south of highway number five which led from Ključ to Bosanski Petrovac, opposite the point at which the highway forked off to Gornja Sanica to the north. 155/ On the day of the killing, Serbian soldiers dug a large hole in the field between the school and highway number five using heavy machinery. 156/

97. Muslims were ordered to line up along the edge of the hole facing the school, while the women and children were brought in to watch. 157/ Then, the person in charge ordered the execution of all of the men. Though most of the men were shot to death, some were stabbed with knives. The commander personally killed several of the men by stabbing them. After the killing, the Serbs tried to wash blood stains from the walls of the school. When this was unsuccessful, the school was plowed into the hole to fill in the mass grave. 158/

98. Biljani Village Hall: 159/ Biljani is located about three kilometres south-east of Sanica, which is 18 kilometres north-west of Ključ. A villager reported seeing a bulldozer, painted in Yugoslav National Army colours, dig a mass grave behind the village meeting hall 160/ in Biljani. 161/ The villager saw the bulldozer dump 300 to 400 bodies into the mass grave. The meeting hall is located approximately at the centre of Biljani and slightly behind the row of houses lining the road to Sanica.

99. It was also reported that in July 1992, Bosnian Serbian soldiers from the Sanski Corps captured villagers from Biljani and Gornja Sanica and took them to the school in Jabukovac. 162/ About 200 to 300 males and females were killed and many females were raped before they were killed. The bodies were then buried in a mass grave behind the school in Biljani, 163/ which also served as the village meeting place. 164/

100. Lanište Cave: Lanište is located three kilometres from Velagići along the road to Bosanski Petrovac. At about the time of the mass killing in Prhovo discussed above, 165/ male Muslims from the villages of Hasići, Nezići, Vojići, Hadžici and Častovići were taken to Velagići and temporarily housed in the local school. 166/ About 250 of these individuals were killed and transported, along with the rest of the prisoners, to Lanište. The bodies of the 250 prisoners killed were taken down a very lightly traveled path, which formed a right turn off the Lanište-Petrovac road, at approximately the last house in Lanište. 167/ After about one kilometre, the path led to a small hunting lodge and a natural depression, or cave, locally referred to as Radojkina Lokva, where the bodies were thrown.

101. Bijana: 168/ According to one witness, over 120 people were killed in the village of Bijana. 169/ The exact number could not be confirmed because the bodies of those killed were continually found in the woods. A mass killing 170/ began at 3:30 a.m. and was completed by 5:30 a.m. 171/ It began at Sefet Domidžeta's house, where she was killed with her sons. Many families were burned to death in their houses. 172/ The witness could not confirm the existence of mass graves in the area, but believed some could be found along the slopes of Gologlav Mountain.

12. Konjic 173/

102. Konjic is situated in south-central BiH. According to the 1991 census, Konjic had a population of 43,636 persons, of whom 54.5 per cent was Muslim, 26 per cent Croat, 15.2 per cent Serb and 4.3 per cent was "other". Bradina 174/, a village of 750 inhabitants, is the largest Serbian village in the county. It is from Bradina that two reports of mass graves in the county arise.

103. Bradina was attacked on 25-26 May 1992 175/ by a combination of Croatian Armed Forces soldiers, 800 "Green Berets", and Muslims from 16 nearby villages. 176/ Houses were burned and inhabitants were killed. Other Serbs who survived were captured and taken to various detention facilities. 177/ Reports vary as to the total number killed during the attack, but it ranges from 44 to 57 persons. 178/

104. Some, if not all, of these individuals were buried in a mass grave located at the Bradina Orthodox Church, often referred to as "Sv. Spas" Orthodox Church. The grave was reportedly excavated by Muslims using a bulldozer. Two reports allege that 23 of those killed in the Bradina attack were buried at this site, and a third report contains allegations that 57 Serbian refugees are buried there. 179/ After the 13 July attack, most Serbs were expelled to Donje Selo and Cerice. 180/

13. Kotor Varoš 181/

105. Kotor Varoš county is located in the north-central part of BiH. According to the 1991 census, the population was 36,670 persons, 38.1 per cent of whom were Serbian, 30.4 per cent were Muslim, 29 per cent were Croat and 2.5 per cent were described as "other".

106. Kotor Varoš was laid siege to by units from Knin and Banja Luka, with help from local Serbians, in early June 1992. For the most part, the besieging army wore the insignia of the JOS (Yugoslav armed forces), "sometimes with a tricolour without a star". 182/ On 11 June 1992, these units forced their way into town. Local Muslims and Croats were captured, and about 80 were taken to the sawmills. The next day, artillery destroyed the villages of Hrvaćani and Bilice. Over 500 people were killed in just a few days and their bodies thrown into mass graves.

Gravesites

107. Kotor Varoš: A witness from Kotor Varoš, who was arrested by Serbs and held in several locations, reported a mass grave in Kotor Varoš. 183/ The witness stated that on 11 June alone, 300 to 400 corpses lay in the street. He and several other prisoners had to put the corpses into black nylon body bags which were then carried by bulldozer to a nearby mass grave. 184/ He said that he personally put over 70 bodies into bags that day and estimated that at least 1,000 people were buried in this grave. 185/

108. Kukavica: In the settlement of Kukavica on 25 June 1992, the corpses of six men killed with logs were buried in the Muslim cemetery, situated at the centre opposite the shop Krais A G, Basel. 186/ No other details regarding this site were provided in the report.

109. Donja Varoš Old Cemetery: In the area of the local hospital in Donja Varoš, about 30 civilians from the village of Kukavica were crushed to death with a loading truck. The corpses remained at the place of execution for some time, 187/ but were finally buried at the old cemetery near the mosque in Donja Varoš. 188/ This grave was also mentioned by a Croatian witness, who reported that a mechanical digger was used to bury the dead. 189/

110. Vrbanci: The same witness reported the existence of a mass grave in Vrbanci next to the road. 190/ Reportedly, a mechanical digger was used to bury the dead. 191/

111. Vrbanci Mosque: One report noted that a man was killed by a "Četnik" after he was forced to dig a crypt for 45 persons killed in the mosque. No other details about the site were provided. 192/

14. Kupres 193/

112. The county of Kupres is located in west-central BiH. It is one of the smaller counties in terms of population, holding only 9,663 persons according to the 1991 census. Serbians constituted the majority in Kupres, comprising 50.7 per cent of the population, while 39.6 per cent was Croatian, 8.4 per cent was Muslim, and 1.3 per cent "other".

113. Fighting between Serbs and Croats began in April of 1992, when Croatian armed forces entered the villages of Gornji and Donji Malovan. 194/ Other divisions took strongholds in the suburbs of Kupres proper, and attacked the city centre, which was mainly inhabited by Serbs. While most of the population had previously fled the county, some remained and hid in their cellars during the attack. Kupres is one of a handful of counties in which Croatian forces are said to be responsible for killings, which led to the creation of mass graves.

114. There are three separate reports concerning mass graves in this county.

However, it is possible that the reports may refer to the same incident and resultant grave.

115. According to one report, 52 Serbians were killed in the beginning of April 1992 by Croatian forces. The report goes on to state that a "nondefined" number of Serbs killed in Gornji Malovan, a village near Kupres, were buried in a common grave at Borova Glava, and their corpses are yet to be found. The Serbian government is in possession of photo and television documentation about the crime. 195/

116. A French government report alleges that on or about 14 April 1992, two mass graves were created in Kupres, which contain the bodies of 54 Serbs killed by Croatian units. No other details about the site were provided. Because the number of bodies reported is similar to that at Borova Glava, it is possible that this report and the report from the Serbian Government are referring to the same site. 196/

117. A third report noted that seven pits containing a total of 28 mutilated bodies were discovered by the JNA when they entered Kupres. The dead were Serbians from the villages of Gornji and Donji Malovan. 197/

118. The first two reports are common in that they allege that a similar number of persons were killed. However, it is not clear from the first report that the 52 Serbians mentioned were the same Serbians mentioned in the mass grave. In addition, the second report does not identify the site of the grave as being at Borova Glava. The first and third reports are similar in that they both refer to the villages of Gornji and Donji Malovan. The first report does not identify the victims as being from those locations, nor does the third report specify the villages as being the exact site of the mass grave. Thus, it is possible that anywhere from 28 to over 100 bodies may be buried in Kupres.

119. Kupres Field: In April of 1992, the villages of Osmanlije, Olovo, Zlosela, and Kukavice were occupied and more than 30 Croatian civilians were reportedly killed. At the time of the report, their graves had not been located, but they were believed to be buried in Kupres Field. 198/

15. Modriča 199/

120. Modriča is located in north-eastern BiH, near Bosanski Brod and Odžak. According to the 1991 census, the population of Modriča totalled 35,413 persons. The ethnic distribution of the county was fairly even with 35.3 per cent Serb, 29.5 per cent Muslim, 27.3 per cent Croat, and 7.9 per cent "other".

121. Military activity in Modriča began on or about 15 May 1992, when the county began being shelled by Serb forces. 200/ An unidentified Serb mechanized unit, accompanied by tanks, entered Modriča on 15 May and proved to be too powerful for the 102nd Voluntary Brigade, made up of Muslims and Croatians, which retreated toward Odžak. 201/ While many killings allegedly took place once the Serbs occupied the county, there is only one report of a mass grave, presumably because the Serbs would not permit the burial of any bodies lying dead in the streets. 202/

122. Cement Pit: The Serbs captured 10 members of the voluntary brigade and 40 policemen (who were mostly Muslim). The policemen were detained in the basement of the police station. The soldiers, however, were reportedly tortured and sunk up to their chests in a cement pit. Most of them were unconscious as their ears, noses and tongues were cut off. The Serbs then

rounded up the families of the brigade members, beat them, threw them onto a pile of wood, and set them on fire. 203/

123. A soldier of the BiH Army corroborated the account of cement pits used as a means of disposal for those killed in Modriča. He related that on 15 June 1992, the battle for the liberation of Modriča began. He and others observed civilians who had been bound with wire and had their throats slit. They also found burned bodies. Once the "liberation" was complete, the soldiers said they found three babies in a small electric cement mixer, the oldest of whom was two years-old. 204/

124. In late May 1992, the Serbs reduced their presence in the area and the voluntary brigade was able to retake Modriča for about 12 days. During this time, they released everyone from detention and buried the dead. 205/ Most of the freed Muslim civilians fled towards Odžak and Slavonski Brod. Serbs recaptured Modriča on 7 June 1992.

16. Mostar 206/

125. The county of Mostar is located in the Neretva River valley in southern BiH. According to the 1991 census, the population of Mostar was 126,067 and comprised of 34.8 per cent Muslims, 33.8 per cent Croats, 19 per cent Serbs, 10 per cent Yugoslavs and 2.4 per cent "other".

126. Immediately following the Bosnian Muslim and Croat declarations to secede from the Serb-dominated Yugoslav Republic, Serbian forces launched an offensive against the central BiH government and, specifically, Mostar in April 1992. For more than a year, Muslims constituted about half of the HVO and together with Croats, they fought successfully to free the city from the Serb bombardment. This military cooperation soon ended, however. 207/

127. Hostilities between Croats and Muslims began on 9 May, when Croatian forces stormed the local headquarters of the BiH Army and began expelling thousands of Muslims from their homes on the west bank of the Neretva River, forcing them into the old Muslim quarter on the eastern side. 208/ Bosnian Muslims launched a counter-attack on 30 June. 209/

128. Sutine Landfill: Sutine landfill is located several kilometres north of Zalik, which is on the northern edge of Mostar, alongside a Muslim cemetery. According to a witness, a mass killing of approximately 28 Bosnian Muslim and Croatian men took place on 13 June 1992 and resulted in a mass burial at the landfill. 210/

129. On 13 June, about 200 Bosnian Muslim and Croatian men, women, and children from Mostar were rounded up by Bosnian Serb forces and taken to Zalik. 211/ The males were separated from the women and children and taken to the Sjeverni Logor casern nearby. 212/ The men were registered on a roster and placed on trucks, which later departed for Sutine, several kilometres north of Zalik. 213/

130. Upon arriving at Sutine, the prisoners were taken to a building which belonged to a cemetery and was near the Sutine landfill. Part of the building was being used to interrogate and reportedly torture the prisoners. 214/ Prisoners were taken, one by one, for their interrogations 215/ and beatings, and afterwards, were taken outside and killed by either a pistol shot to the head or by automatic rifle fire. 216/

131. Two of the prisoners were taken outside the building and instructed to throw the bodies of three prisoners into the Sutine landfill. 217/ When

they returned, four more prisoners were killed and their bodies were also thrown into the landfill by the two men. 218/ Guards then fired on the two prisoners, and one of them was killed instantly. The other was hit in the arm and stomach. 219/ Both men fell down an enbankment and landed at the bottom of the slope. 220/

132. The witness related that bodies of other prisoners continued to be dumped into the landfill for the next 90 minutes, at a rate of about one body every five minutes. 221/ The next day, the Bosnian Serbs used a bulldozer to push trash and earth over the bodies in an attempt to conceal them. 222/ The witness remained in hiding for the following 11 days, and on 24 June was taken to Mostar hospital. Several days later, the landfill was unearthed and the bodies of 28 223/ persons were found. 224/

133. It should be noted that the Special Rapporteur Mazowiecki has reported that the number of bodies found at the Sutine landfill totalled 150, not 28. 225/ Mazowiecki's report also stated that a local pathologist had examined the exhumed bodies, and almost all of the dead had been shot at close range with automatic weapons. 226/ It is unclear why the discrepancy in numbers of bodies is so great.

134. Another report notes that an individual observed 100 bodies in a shallow grave in Sutina during August 1992. 227/ This suggests that there may be another gravesite in the area, since the landfill site was exhumed around the end of June 1992; however, no other details regarding the site were provided in the report. 228/

135. Vrapčići - Uborak Landfill: Vrapčići is a village located four kilometres north-north-east of Mostar. According to a witness from the area, Vrapčići and a neighboring town, Potoci, came under Serb attack in May 1992. 229/ On 18 May, Muslims and Croats from both towns were rounded up by Serbs. Many of the men were taken to a detention camp in the Vrapčići stadium, but were exchanged in Bileć on 7 June. On 12 June, 88 Bosnian Muslim and Croatian residents of Vrapčići, including elderly men and women, were rounded up and taken to the stadium.

136. Over the next few days, all of the prisoners at the stadium were killed and their bodies were thrown into the Uborak landfill at the north-east end of Vrapčići. On 20 August 1992, the 88 bodies were unearthed from the landfill and were removed for identification and proper burial. 230/ All victims had been shot in the head with automatic weapons.

137. There are many commonalities of fact between the Sutina and Uborak sites. Both are north of Mostar proper. The killings at both locations also took place on the same day. Because of the difference in the number of bodies buried at each site, it seems that Sutina and Uborak are indeed two different sites. 231/ However, many of the reports which refer to gravesites at Sutina may have actually been referring to Uborak. These reports refer to between 100 and 200 bodies being buried at the gravesite. While these figures are much larger than 88, the discrepancy is not as large as with Sutina, which according to a witness, only contains 26 to 28 bodies.

138. Public Park: According to Newsweek, the public park in Mostar has been turned into a cemetery, containing "75 fresh graves". 232/

139. Bijelo Polje: Three common graves are reportedly located at Bijelo Polje, which is near the main road between Mostar and Sarajevo. No other details about the site were provided. 233/

140. Balinovac Muslim Cemetery: According to a witness who took part in

"work detail", Muslim detainees buried bodies of executed Muslims in shallow, unmarked graves at Balinovac. 234/ The cemetery had already been filled with victims of the war's earlier phase with the Bosnian Serbs. On 15 or 16 July 1992, the witness said that he and others buried 13 bodies. 235/ Of them, 12 were men in HVO uniforms and one was a woman. The witness was told by those directing the digging that "even hundreds of graves will not be enough".

141. Another released detainee detailed two other mass burials of executed victims at the Muslim cemetery. On 6 July, the detainee buried three women and a one year-old infant, and on 16 July, the witness helped bury 16 men in civilian clothes.

142. Unspecified Locations: An 9 October 1993 news article reported that the BiH army had discovered three mass graves near Mostar, which contained the bodies of 575 civilians. 236/ Most of the victims were Muslim. 237/ Bosnian Croatian officials denied the BiH Army allegations. 238/ The report did not identify the precise location of the gravesite.

143. In the summer of 1992, a news photographer documented Serb POWs exhuming dozens of corpses from a mass grave in Mostar. 239/ Their Muslim captors said that those buried in the grave had been killed by Serbs. 240/ An Italian film crew and British journalist showed up a few days later and also documented the site. 241/

144. Another report notes that a source told of three graves in Mostar containing 99, 100, and 110 bodies, respectively. Victims were generally elderly men, women, and children, who had been shot in the back of their heads or had their throats slit. 242/

17. Nova Gradiška 243/

145. Nova Gradiška is located in north-eastern Croatia on the border of Croatia and BiH. The southern border of Nova Gradiška is the Sava river. According to the 1991 census, the population was 60,461 persons, 70.7 per cent of whom were Croatian, 20.8 per cent were Serbian, 3 per cent were referred to as Yugoslav and 4.5 per cent as "other".

146. The former Yugoslav Army, paramilitary units, and Serbs from the Banja Luka Corps were in the area starting in September of 1991. 244/ The soldiers of the former Yugoslav Army moved from Bosanska Gradiška into the prison compound and started maltreating the villagers from villages around Gradiška. 245/ While the Serbs forced them out of their villages, some villagers managed to escape by tractors, and some were killed in their houses. 246/ There are reportedly two mass graves in Nova Gradiška.

Gravesites

147. Stara Gradiška Camp: The village of Stara Gradiška is located directly on the Sava River. It is reported that 50 to 60 corpses were thrown into a well at the Stara Gradiška camp. 247/

148. Stara Gradiška: A witness provided testimony concerning a mass grave in Stara Gradiška. 248/ Serbs forced the witness' relative to go from house to house asking owners to hand in any weapons. When they did not find any, the Serbs brought him back to his house, 249/ beat and tortured him, then forced him and other villagers to dig their own grave. 250/ Seven of the villagers were killed and thrown into the grave at the back of the woman's

house. 251/

149. Mašička Šagovina: According to news reports, the village of Mašička Sagovina was burned and pillaged by Croatian forces in December 1991. 252/ On 19 December, Croatian forces arrested civilians and Serb soldiers of the territorial defence force, who had attempted to defend the village, but surrendered. 253/ Ten men were immediately killed by a member of the "Croatian Death Squad". 254/ In all, at least 21 persons were killed. Most of the victims were shoved into a mass grave by a bulldozer. 255/ The report does not specify whether the grave was dug by Croatian forces. 256/

18. Odžak 257/

150. Odžak county is located in north-eastern BiH, and sits along the Sava River, with Croatia on the opposite side. According to the 1991 census, Odzak's population was 30,651 persons, 54.2 per cent of whom were Croatian, 20.3 per cent were Muslim, 19.8 per cent were Serbian, and 5.7 per cent were "other".

151. There is only one reported mass grave in Odžak. It is located near the hospital in Odžak proper. According to various reports from the Serbian government, the former military depot in the village of Rabići was holding 300 Serbs. 258/ Serbs who were detained both in Rabići and in the village of Poljari 259/ were reported to have been killed and buried with bulldozers near the hospital. A known perpetrator's name is not disclosed for confidentiality and prosecutorial reasons. 260/

19. Ogulin 261/

152. Ogulin is located in western Croatia. According to the 1991 census, Ogulin had a population of 28,904 persons, of whom 59.9 per cent were Croatian, 35.3 per cent were Serbian, and 4.8 per cent were "other". Ogulin has one reported mass grave within its borders.

153. The enclave of Gorski Kotar in Ogulin is near the border of the Serbian Krajina area. It extends from Velika Kapela Mountain to the River of Kupa. In this area, there are 178 villages and settlements inhabited by approxmiately 6,000 Serbs. In August 1991, Croatian authorities and Serbs in the enclave agreed to preserve the status quo of the area pending the "global political solution of ex-Yugoslavia". By the terms of that agreement, Croatian authorities agreed to keep their armed troops out of Serb villages, as well as to refrain from setting up new police outposts in the area. They also promised not to force Serbs in Gorski Kotar to serve in the Croatian armed forces.

154. On 24 September 1991, however, the Croatian local authorities completely destroyed five villages on the outskirts of the Gorski Kotar enclave. The villages were Brlog, Staro Selo, Tupljaci, Rapajin Do/Rapajin Klanac, and Drenov Klanac. Two thousand of the inhabitants fled to neighboring Krajina. Those who remained in the burning villages were killed and buried in garbage dumps, to be discovered by relatives who later returned to the area. 262/ Another report said the dead villagers were "thrown into pits and covered with manure". 263/

20. Osijek 264/

155. The county of Osijek is located in eastern Croatia, just north of Vukovar and Vinkovci counties. According to the 1991 census, Osijek had a population of 164,577 persons, of whom 66.6 per cent were Croatian, 20 per cent were Serbian, 8.4 per cent were "other" and 5 per cent were Yugoslav.

156. Osijek fell victim to fighting between Croatians and Serbs in 1991, around the same time that the fighting in Vukovar began. There are three reported mass graves in this county.

157. Dalj Cemetery: The village of Dalj had a 33 per cent Croat and 52 per cent Serb population before the war. Military activity began in Dalj on 1 August 1991, when it was attacked by JNA and Serb paramilitary forces from the directions of Bijelo Brdo and Borovo Selo. 265/ The paramilitary groups attempted to take over the police station, but the officers inside called for the JNA to intervene. When the JNA arrived, they told the police to surrender. The police refused and fired at the JNA. The JNA engaged the police, stormed the police station, and 80 policemen were killed. 266/ Local Croatians and Hungarians tried to flee, but many were killed by paramilitary sniper fire. 267/ The paramilitaries then went through the village, reportedly killing anyone who was wounded. 268/

158. One witness, along with eight others, was forced to move bodies from the police station and primary school to the Catholic Cemetery. The work party picked up 24 policemen from the station, three civilians killed in their homes, and eight persons from the primary school. Of the eight, five were Croat guards who were naked and had been shot at close range; the other three were policemen. Those victims who hailed from Dalj were buried by the local gravedigger. Other bodies were transferred to Osijek Hospital. 269/ On 4 August, this witness returned to the cemetery, where he observed a large hole dug by a military bulldozer. Local Croatians were forced by Serb paramilitaries to throw the dead bodies of those killed at the police station into the hole. Ten persons were in the hole when it was covered with earth, and hands were seen protruding from the pit. 270/

159. Ernestinovo Park: During the attack on Ernestinovo, several inhabitants were killed and later buried in mass graves in the park. 271/ The park is along Glavna Ulica (Street) 272/ and the site consists of three pits situated between the gallery and the monument.

160. The Osijek Red Cross provided detailed information about those buried in two of the three mass graves. No data was available about the bodies buried in the first pit. The second pit is believed to contain six bodies and some cattle. 273/ The third grave contains eight young persons, some of whom were wearing Croat Army or MUP uniforms, while others were naked. The bodies were all buried one metre beneath the ground. There were other individual graves scattered throughout the village. 274/

161. These graves were reported to UNCIVPOL on 17 November 1992, 275/ and Special Rapporteur Ndiaye and forensic expert Morris Tidball Binz visited the site in December of that year. Binz observed three areas of adjacent earth with no identifying marks. The mounds were low and irregular, with irregular perimeters of no more than 15 metres. No evidence was present which would contradict allegations of mass graves in the area. Binz recommended that the area be cleared of mines, surveyed, and probed. He also noted that available information suggested that the graves were sanitary and that the buried bodies were civilian casualties of war or military personnel killed in combat, not war crimes. 276/

162. Vladislavci, Obnova Factory: Eighteen Serbian civilians and one Hungarian from the village of Pavlin Dvor are allegedly buried in a mass grave in Vladislavci. The grave is said to be situated near the Obnova Factory, where cattle were previously buried. 277/ The killings occurred on 11 and 12 December 1991. After the Croatian Army began occupying houses in November, most of the population of this small village sought refuge in "House No. 51" and "House No. 40". On the night of 11 December, two or three bursts and screams were heard from one of the houses. Later, a truck drove by, turned off its engine, and after 30 to 40 minutes left the house.

163. Neighbors woke the next morning and observed blood inside one of the houses. This blood spread right to the "bridge". 278/ Later, on 12 December, "House No. 51" was blown up and completely destroyed. One of the bodies was found near the hayloft of House No. 51. 279/ Villagers believe the other bodies were taken to Pavlin Dvor and buried there. An alleged perpetrator of the killing was named. 280/

21. Pakrac 281/

164. The county of Pakrac is located in Croatia, in Sector West The county consists of the town of Pakrac and 68 small villages and hamlets. The 1991 census listed the population of Pakrac as 27,288 persons, of whom 46.4 per cent were Serbian, 36 per cent were Croatian, 12.8 per cent were "other", and 4.8 per cent of the population identified themselves as Yugoslavs.

165. Throughout October 1991, members of the Croatian Army reportedly began arbitrarily arresting ethnic Serbs in the counties of Pakrac, Garešnica, Kutina, Bjelovar, and Zagreb. 282/ These persons were taken to several small camps in the region, including "Ribarska Koliba" (fisherman's cottage) in Marino Selo and "Stara Ciglana" in Pakračka Poljana. 283/ Both of these camps are near the Ilova River. 284/ Later, control of the detention facilities was turned over to the National Guard of Croatia. According to witness statements and reports, prisoners were beaten and tortured; and up to 2,500 were allegedly killed near the campsites. 285/ These activities continued until March of 1992.

166. Based on two statements of former prisoners of Marino Selo, a minimum of three separate mass graves were reportedly excavated at Marino Selo, as a means of disposing of the bodies of those killed at the camps in Marino Selo and Pakračka Poljana. The graves at Marino Selo are said to contain the bodies of as many as 800 Serbs. In Pakračka Poljana, villagers and subsequent UNCIVPOL investigations suggested there existed as many as 26 mass graves holding the bodies of 700 Serbs. One report noted that many of those buried in the graves were not former detainees of these camps, but were from other settlements in Western Slavonia where Serbs were killed in late 1991. Their bodies were then transported to the sites, which were in the vicinity of the Ilova River. 286/ Serb sources, however, allege that that Croatian authorities reopened some of the gravesites and took the bodies elsewhere as a means of hiding any evidence of mass killings. This activity was reportedly taken in response to publication of information about the camps and mass graves in the region. 287/

Gravesites in Marino Selo

167. Marino Selo Fish Pond: An ethnic Serb who was detained at the Ribarska Koliba camp in Marino Selo has alleged that he was involved in the burial of bodies in mass graves. 288/ The witness was arrested on 15 November 1991 and taken to Ribarska Koliba, along with other Serbian men and a few women.

He related that he and many of the other prisoners were subjected to severe beatings, mutilation, and torture. On 19 November, four of the prisoners were removed from detention and taken out towards the Ilova River. 289/ He then heard gunfire. The following morning, the witness and two other men 290/ were taken out and discovered the bodies of the men. The Croatian guards made the three prisoners bury the dead. Three of the dead prisoners 291/ were buried in a part of a fish pond, near the Ilova River, from which water had been removed. 292/ This grave was not marked. 293/

168. Marino Selo Bridge: Two witnesses 294/ were again put on burial detail on the afternoon of 20 November. At that point, three more men were buried in a common grave, without coffins, 150 metres downstream from the bridge. 295/ One of the witnesses noted that the grave was only "two shovels deep" because "they wouldn't allow any greater depth". Branches and grass were strewn over the grave, and one of the witnesses found a one-liter bottle nearby, which he also placed on top of the grave so that it could later be identified.

169. Marino Selo Garbage Dump: According to a forensic report based on investigations conducted in 1992, allegations surfaced of a third mass grave in the area, situated in a garbage pit behind an abandoned motel. 296/ The grave was reported to contain the remains of up to 12 people, and lies about five metres from a stream which drains the reservoirs of a fish farm. The pit is three metres long by two metres wide, and is 1.5 metres deep. Two-thirds of the pit is filled with water. 297/

170. UNCIVPOL Daruvar Station was notified of the allegations of mass graves in Marino Selo in September of 1992. Sgt. Jone Blikra and Cst. Dan Parchomchuk spoke with the witnesses who provided depositions to the Serbian Council Information Centre. 298/ Based on their conversations, the UNCIVPOL officers drew a sketch showing the graves in Marino Selo. 299/ A few days later, the two officers went to Marino Selo in an attempt to locate the graves. Following the sketch, they found what they believed to be the gravesites. 300/

171. In December of 1992, Mr. Morris Tidball Binz, a forensic expert commissioned by UNCHR, visited Marino Selo and other sites in Croatia said to contain mass graves. 301/ Binz carried out a rapid surface exploration of two locations in Marino Selo. The first site was the garbage pit behind the abandoned hotel, discussed above. Binz observed old garbage around the site, but found no human remains upon surface exploration. It did, however, show signs of recent disturbance (within the last two months), as evidenced by earth and garbage which had been removed from the pit and scattered around. The pit was explored with a metal probe, but Binz discovered nothing, including odors, which would suggest the presence of decomposing human remains.

172. Binz also visited another site, 150 metres downstream from the garbage pit, on the same side of the stream bank. He explored the area for signs of excavation, but found nothing. 302/

173. The Commission of Experts, in conjunction with a War Crimes Investigation Team provided by the Government of Canada, conducted investigations and excavations in the Pakrac county, but limited its focus to the alleged sites in Pakračka Poljana. No investigation of the sites at Marino Selo was conducted due to lack of time and resources. 303/

Gravesites in Pakračka Poljana

174. Allegations of mass graves in Pakračka Poljana came to the attention of UNPROFOR in December of 1992. At that time, a Croatian woman from Pakrac registered a complaint with UNCIVPOL Pakrac, stating that her husband had been arrested by Croatian soldiers in September of 1991, along with seven other men, none of whom had since been seen. 304/ She also reported that a mass grave was rumoured to exist between the villages of Poljana Pakračka and Gaj, wherein 200 bodies of Serbian men and women were buried.

175. A few weeks later, a source independent of the Croatian woman corroborated the existence of the mass grave and provided additional details as to its location and possible perpetrators. 305/ UNCIVPOL Officer Nicholson, another monitor, and the source visited three possible gravesites on 9 February 1993. For purposes of identification, Nicholson identified these sites as A, B and C. In October and November of 1993, the Commission of Experts organized a mission to investigate the sites. The description of each site, and the results of the mission, are discussed separately below. 306/

176. Site A: This site allegedly contained five bodies. Nicholson's initial visit to this site revealed remnants of bodies scattered around the location; namely, clothing, boots, a crutch, and skeletal remains. 307/ It was described as being the smallest of the sites. 308/ The bodies seemed to have been transported from a previous burial site because of heavy plastic material found at the scene. However, the site was reportedly cleared on 15 March 1993, and the bodies were moved to an unknown location. 309/ The WCIT attempted to examine the site anyway on two separate occasions, but found it inaccessible because of mud-blocked roads. 310/

177. Site B: Site B was situated less than two kilometres from Site A, and was reported to consist of two pits, each five feet by six feet, with an unknown number of bodies. 311/ The pits were situated approximately 19.5 metres from a hunting cabin and were 15 feet apart from one another. Site B was cleared by unknown parties between 8 and 15 May 1993. Subsequent inspection by Nicholson revealed that trees had been planted as an "obvious ruse for fresh digging". 312/

178. Site C: Site C was situated less that five kilometres from Site A. When Nicholson first visited the site, he observed two elongated trenches filled with earth. Each trench was four metres by 20 metres, and no observable signs of human remains were present. According to Nicholson's source, each trench contained 100 bodies. Nicholson also observed approximately eight independent and smaller graves bordering the two trenches. 313/

179. Nicholson revisited the site on 4 May 1993, at which time he believed there were 17 elongated trenches, not two as he had originally thought. Since his source had told him that each trench contained up to 100 bodies, Nicholson extrapolated in a UNCIVPOL report that Site C could contain as many as 1,700 bodies. 314/

180. The War Crimes Investigation Team (WCIT) and Physicians for Human Rights (PHR) arrived at Site C on 20 October 1993 to begin investigation. After preparing the site for security and excavation purposes, it was observed that the trenches Nicholson observed totalled 20. The team excavated test trenches on several of the trenches and dug the remainder with a backhoe. 315/ The tenth trench (or "feature" as called by the WCIT) revealed the remains of two humans. 316/ Each of the other trenches was empty, and the team concluded that the "features" were excavated for use as military defensive trenches, not mass graves. 317/ A smaller disturbance of earth near the

first feature was also found to contain the remains of one human. 318/

181. WCIT explored another area in Site C which abutted the upper bank of a nearby stream. 319/ Further investigation revealed six adjacent but independent graves, containing a total of 14 bodies, and a seventh grave nearby, containing two bodies. 320/

182. In all, the remains of 19 individuals, 16 males and three females, were found in nine separate graves in the field south of Pakračka Poljana. 321/ All of the graves appeared to have been dug by hand and were meant to be clandestine. WCIT concluded that the area around the graves was used as an execution site. Spent rounds were found in the area, and five of the bodies had their hands tied together with rope. Fifteen of the bodies evidenced gunshot wounds to the head, two had blunt head trauma; one had multiple gunshot wounds to the body, and one had massive head trauma. Based on these findings, WCIT believed that Officer Nicholson's original estimate, that 1,700 bodies were buried at the site, was erroneous. 322/

183. PHR reports that the graves exhumed at Pakračka Poljana may be connected to a soccer clubhouse near the site. According to PHR, witness statements suggest that the clubhouse may have been used as a secret detention centre by the Croatian military and police from August 1991 to March 1992. This time period corresponds with the likely time of burial for all or most of the exhumed bodies. 323/ Reported survivors of the detention facility related that many of the prisoners were executed near the clubhouse. 324/

22. Petrinja 325/

184. Petrinja is a county in Croatia situated on the Kupa River, approximately 50 kilometres south-east of Zagreb, and 60 kilometres north-west of Prijedor. According to the 1991 census, Petrinja had a population of 35,622 persons. The population of Petrinja is broken down as follows: 44.9 per cent were Serb, 44.2 per cent were Croatian, 5.1 per cent were Yugoslav, and 5.8 per cent "other".

185. Serbs attacked Petrinja on two separate occasions; the second occurring on 16 September 1991. 326/ During the second attack, some Croatian forces were reportedly forced to retreat. During the withdrawal, some soldiers were captured, taken to detention camps, and/or killed.

Gravesites

186. Gavrilović Villa and Vineyards: According to witness testimony, the witness and a number of Croatians, who had been mobilized by the Croatian Army, began retreating to Zupić and Nebojan. Upon their arrival in the Gavrilović Villa, located alongside the Gavrilović vineyards, 327/ they were surrounded by "Četniks". The Serbs encircled the Croatians, ordered them to remove their uniforms, and proceeded to line them up for execution. The witness was among the first to be called and was placed with two other Croats, with their backs to the firing squad. On hearing the gunshots and feeling the other two men fall, the witness fell into nearby bushes, where he realized that he had been shot in the arm and chest.

187. The witness stated that after falling to the ground, he remained conscious and heard the Serbs shooting "other people". 328/ As night fell the Serbs left everyone as presumably dead, at which point those survivors who could walk left. 329/ The witness remained at the site, apparently unable to move, and stated that "the Četniks" returned in the

morning to search the corpses for valuables and found him and another survivor. As the Serbs moved to a neighboring "weekend cottage", the witness "stood up and moved along the hill towards Petrinja". He reached a house whose owners recognized him and they drove him to the ambulatory of the Croatian Army. 330/

188. In a separate account submitted to the US State Department, a witness testified that during the same Serb offensive against Petrinja, 31 Croatians were captured by JNA forces while attempting to escape to Sisak, a town located approximately 10 kilometres north-east of Petrinja. 331/ All of the captives were taken to the Petrinja internment camp 332/ located in the former Yugoslav Army casern known as "Vasil Gaćeša". 333/ The prisoners were held for one day, and the next morning all but five of the prisoners were released.

189. While interned at the Petrinja camp, prisoners participated in burial details involving "mass graves". On one such occasion 18 Croat soldiers were buried in an open area on a small hill, approximately 100 metres east of Gavrilović Villa and near a vacant house. According to the report, the bodies of the soldiers were piled in a 10 metres square area. 334/

190. The gravesite referred to in the State Department account may be the site of the killings mentioned in the first report discussed. The "vacant house" may be the "weekend cottage" as described in the first report, and the hill along which the grave is found may also be the same hill along which the first witness escaped. Furthermore, the coincidence of date, 16 September, on which the killing took place according to the first report, and on which the second witness was captured and interned, strongly suggests that the 18 bodies found may be the corpses of the Croatian soldiers killed as reported by the first witness. 335/

191. Vasil Gaćeša: The witness from the State Department report, discussed above, participated in a mass burial within the Vasil Gaćeša casern where 40 bodies of civilians from Petrinja, mostly Croats, were interred. 336/

192. Taborište: A detainee testified that there was a concentration camp holding Serbs in the settlement of Taborište, in Brijest near Petrinja. There, he claimed that among the 500 prisoners were 80 women and 40 children. He said that male prisoners "are being killed and buried in pits". 337/ There was no information provided regarding the site of the burials or "pits", or if the interments constitute one mass grave.

23. Podravska Slatina 338/

193. Podravska Slatina is in north-eastern Croatia, on the border with Hungary. The county contained 31,155 persons in 1991, 57.2 per cent of whom were Croatian, 35.8 per cent were Serbian, 3.5 per cent were "Yugoslav" and 3.5 per cent were "other".

194. Voćin, a village in Podravska Slatina, was the site of military action between Croatian and Serbian forces in December 1991. 339/ Members of Serbian paramilitary formations reportedly killed a total of 43 villagers in Voćin, Hum, and Krašković. Voćin is also the site of a reported mass grave.

195. According to Ms. Renilde Steeghs, a member of a European observers team, 24 people were found in a mass grave in Voćin. There is also speculation that the ruined church in that village contains more victims. 340/ Furthermore, 150 Croatians remain missing from Voćin.

24. Prijedor 341/

196. Prijedor straddles a corridor connecting the Serbs' two-thirds share of BiH with their one-third share of Croatia. Prijedor's pre-war population was 112,000 persons. Muslims were the majority with 44 per cent of the population, while Serbs accounted for 42 per cent. The remainder of the population was comprised of 5.7 per cent Yugoslavs, 5.6 per cent Croats, and 2.2 per cent "other".

197. After Bosnia's Muslims and Croats unanimously voted to secede from Yugoslavia in March of 1992, Radovan Karadžić announced that the Serbs would form their own state. 342/ On 30 April, Prijedor Serbs arrested leading Muslim officials and replaced them with Serbs. All Muslim employees were fired by Serbs shortly thereafter.

198. Nine days later, officials demanded that Muslims sign loyalty oaths to the Bosnian Serb state or be considered terrorists. On 14 May, Serbs raised roadblocks around Kozarac and cut off telephone service. On 24 May, Serbian tanks, mortars and artillery attacked the village. This attack lasted for three days, during which an estimated 2,000 villagers were killed. Afterwards, many civilians were allegedly taken to detention facilities, with rich Muslims, political officials, and policemen as particular targets.

199. The process of displacement, military attacks, and detention of civilians took place on a wide scale throughout the county of Prijedor. Most villages fell in the same fashion as Prijedor and Kozarac. As civilians were killed in their towns or in detention facilities, a need arose for large-scale body disposal. As a result, there are reports of 60 mass graves in Prijedor county alone, more than in any other county in the territory of the former Yugoslavia. From the available information, it appears that many of these gravesites were designed to conceal evidence of mass killings.

200. This section will describe gravesites in Prijedor proper, Trnopolje, and other small villages in the area, the Omarska and Ljubija mining complexes, graves in the Japra river valley, and those near the border with Sanski Most.

Prijedor

201. While most of the alleged mass burials in the county took place in the surrounding villages, some mass graves did surface in Prijedor proper.

202. Prijedor City Dump: Several persons, including one individual who loaded bodies for burial, allege that there is a mass grave at the Prijedor garbage dump. It can be reached by taking the road from Hambarine to Ljubija and going up a hill. The sources state that a large number of bodies were picked up in villages near Prijedor, transported to the dump in July 1992, and bulldozed. 343/

203. One of the reports, which discusses the July killing at Keraterm Camp, 344/ lists a place called "Kurovo" as one of the possible sites where the victims may be buried. The report then says Kurovo is the city dump. It is unclear if this is the same site as discussed above. 345/

204. Pašinac Cemetery: Pašinac is a district of Prijedor town, and sits three kilometres north of the city, near a small airport. Seventeen prisoners from Keraterm Camp, including Safet Marić, were buried in a mass grave at this cemetery. Marić had reportedly been beaten, his throat slit, and a cross carved into his head. 346/

205. Baltine Bare: There is a general report that 2,000 people are buried by the River Sana in Baltine Bare, near Prijedor. No other details about the site were provided. 347/

206. Europa Inn: The road leading to Prijedor, which is near the Gaj woodland and the Europa Inn, is the reported site of a mass grave holding 700 bodies. Local villagers may have been responsible for digging the grave, but it is unclear whether they did so of their own volition or were forced by the Serb authorities. 348/

207. Bajer Factory: Most reports note that those prisoners killed at Keraterm Camp were taken to the mines at Omarska, Tomašica, or Ljubija. 349/ Another report, however, alleges that those internees who died from beatings or torture were taken to "Bajer", 350/ where clay was excavated for the local brick factory. 351/ Another report states that the grave was covered by construction material from the destroyed Old Town. Some individuals were buried alive under the rubble. 352/

208. Biščani is a Muslim village of 1,000 persons, just west of Prijedor proper. It was bombarded with artillery on 20 July 1992. The following day, the infantry moved in. 353/ Soon the soldiers occupied every home in the village. Most of the male residents were killed in or outside their homes. Women and children were rounded up and kept in a few houses. One witness observed seven deaths by shooting. Because of its proximity to Prijedor town, reports of gravesites in Biščani are included here.

209. Biščani Cemetery: A 22 year-old Bosnian Muslim said that from 20 to 27 July, surviving residents buried victims' bodies in the local cemetery. The 40 survivors were then forced to walk to the entrance of the Prijedor city, where a bus transported them to Trnopolje Camp. 354/

210. Left Bank of Sana: Several tens of people were allegedly killed and buried near the left bank of the Sana River in Biščani. 355/

211. Tukove: This small village near Biščani contains a joint grave, where a woman witness' brother and five others are buried. No other details regarding the site were provided. 356/

212. Tukove Trash Heap: A witness interviewed by the Croatian Information Centre related that she and three other women had to put the bodies of 20 Biščani villagers, who had been killed on the way to a detention camp, into the trash heap. The following day, they tried to bury the bodies properly, but Serb soldiers stopped them, saying the bodies were going to be taken away. 357/

213. Jubovci: Allegedly 120 people were killed in Jugović and Biščani and buried in Jubovci. No other details regarding the site were provided. 358/

Trnopolje

214. Trnopolje is a small village of 5,000 people, nine kilometres east of Prijedor. It sits on the north side of Lake Ribnjak, and is halfway between Omarska and Prijedor. Before the war, the village consisted of 950, families of which 704 were Muslim, 102 were Croat and the rest Serbs, Ukrainian, Albanians and others.

215. Trnopolje was attacked on the same day as Prijedor, 23 May 1992, and the village was occupied without any shots fired. The local villagers were

ordered to turn over their weapons, and the Serbs began a campaign of harassment against the population. They fired shots at Muslim houses, and the wealthy and intellectuals disappeared. Many villagers were killed in their homes.

216. The school centre in the main part of the village was thereafter turned into a detention facility, holding as many as 4,000 to 5,000 people. 359/ Women and children were kept in the culture hall, which was part of the school; the men were kept separately, often being forced to sleep outside.

217. The Serb attack on Trnopolje and subsequent detention of many civilians had severe consequences. Hundreds, perhaps thousands, of villagers were reportedly killed and buried in mass graves. Some of these graves seem to have been created as a necessity of war; others may have been a way of concealing evidence of mass killings, In Trnopolje itself, there are reports of eight separate mass grave sites. There are also three additional villages in the immediate vicinity of Trnopolje, Šivci, Maničani and Kamičani which are also said to contain mass graves.

218. Ribnjak Lake & Fish Hatchery: As mentioned above, the village of Trnopolje borders Lake Ribnjak. This lake appears to have been the location of a fish pond and hatchery which is just a few hundred yards from the village. This lake was not only the site of several reported mass graves, it is also where Muslims were disposed of by burning.

219. Many of the victims buried at Ribnjak lake were prisoners of the Trnopolje and Trnjani camps. 360/ According to one detainee of Trnopolje, drunk Serb soldiers would enter the camp at Trnopolje every night and take two or three girls outside and rape them. 361/ Some of the women were returned to the camp, and others were taken to Prijedor hospital. Still others were killed, and people from the camp were required to bury them near Ribnjak. When the men would return from burial detail, they told the other prisoners that the dead had been beaten to death, and many appeared to have been tortured. 362/ A named guard was said to often select prisoners to dig graves for dead prisoners. Frequently, those assigned to this task never returned. 363/

220. Another former prisoner corroborated these stories of torture, mutilation and mass graves in Ribnjak. On an unspecified date in July, four to five soldiers came to Trnopolje and took six men away from the camp. All were from Kamičani village and all had the surname Forić. The following day, guards selected seven prisoners to dig a mass grave for the men next to Ribnjak. According to the gravediggers, the seven men had been cut with knives, crosses were carved into their chests, knives were pushed through their chins and tongues, through which wires were then inserted. 364/

221. At least two Bosnian Muslims were killed in the Saničani Ribnjak area of Trnopolje. Sources heard from friends in the village that their bodies were either thrown in the fish hatchery or into the Gomcanica River. 365/

222. Some prisoners, however, were never buried. It is reported that many Muslims who had been detained in the Trnjani and Trnopolje camps, and had died from beatings, starvation or were killed, were taken to Ribnjak. 366/ At that point, their bodies were reportedly doused with gasoline and they were set on fire. 367/

223. Soccer Field: Trnopolje Camp's setting in the school centre provided an array of facilities in which to house prisoners, including a soccer field 200 metres from the school. A Bosnian refugee reported that in June of 1992, the bodies of eight Muslim prisoners were buried next to the soccer field, under a

large oak tree. 368/

224. Mezari: Mezari is a neighborhood within Trnopolje village. A large number of bodies of prisoners who were killed by Serb guards at Trnopolje camp were disposed of at the Mosque in Mezari. The individual who reported this incident was unsure whether the bodies were buried there or if they had been burned. 369/

225. Trnopolje Park: According to a witness statement, there is a park one kilometre north of the Trnopolje camp. This witness alleged that many of the prisoners killed at the camp were buried on park grounds. No other details about the site were provided. 370/

226. Trnopolje Mill: Helsinki Watch interviewed a man who was assigned to dig graves while detained at Trnopolje camp. The witness went on several burial trips during his detention. Among the sites he was aware of was the mill, where 60 to 100 people are said to have been buried. 371/ A second man that Helsinki Watch spoke with corroborated the existence of this site, saying there are "many graves" near the mill, and a bulldozer was used to cover them. 372/

227. Trnopolje Meadow: The gravedigger who spoke of burials at the mill actually participated in the burial of persons in a meadow near the camp. 373/ This meadow was 400 metres from the camp, at the end of a fence which runs along the left side of a road near the railway station. At least three bodies were buried there, two of whom were identified as Ante and his son Zoran. All three bodies had the backs of their heads missing, and one was shot through the eye. 374/

228. Trnopolje Fields: According to at least one former prisoner, some of the dead from Trnopolje camp were buried in numerous fields in the vicinity of the camp. 375/ It is possible that the meadow referred to by the gravedigger mentioned above was just one of the fields in which bodies were buried. 376/

229. Residential Houses: During the occupation of Trnopolje, many villagers were killed in their homes and yards. Often, Serbs would bring prisoners away from camps in the area and kill them in the village citizens who were not yet in detention. There are reports of numerous mass graves in the yards of Trnopolje's residents. 377/ Most were buried where they died.

230. As an example, two individuals related the execution and burial of 11 to 13 persons in front of the Redžić 378/ house in Trnopolje. 379/ On 9 July 1992, seven Serbs and others arrived in the village in APCs and military trucks, and began rounding up Muslim men from their homes. Eventually the group numbered between 40 and 50, and they were gathered in front of Mevla Redžić's house, along with Mevla and her daughter-in-law. Eleven men and two women were asked to step forward. 380/ They were taken across the road and killed by machine-gun fire. They were buried behind Mevla's house. 381/

231. Maničani Village: One witness who was detained at Trnopolje for over four months had to bury Muslim bodies three times. The Muslimd had been dead for three weeks, and were buried in the village of Maničani, seven kilometres from the camp. 382/

232. Šivci Cemetery: The village of Šivci is two kilometres from Trnopolje camp. It was shelled sometime after 14 June, and between 45 to 120 people were killed during the Serb attack. 383/ Moreover, its proximity to Trnopolje made it a prime site for mass burials.

233. The cemetery in Šivci 384/ appears to have initially been the primary site for burials of those killed at Trnopolje Camp. A Bosnian refugee, who was assigned to bury the dead at this location, noted that there was not enough space to bury all those killed, which forced burials to the fields around Trnopolje. 385/

234. Šivci Unpaved Village Road: One of the gravediggers interviewed by Helsinki Watch noted that 50 people were killed at one time in Šivci on 26 or 27 June. He also said that men are buried along a small road which is just to the left of the unpaved village road in Šivci. 386/

235. Kamičani Mosque: Three former prisoners of Trnopolje Camp are buried near the mosque in Kamičani, a small village near Trnopolje. According to a gravedigger, three men 387/ received permission to scavenge food from the camp guards. When the guards who escorted them went away for a few moments, the police reportedly stopped the three men. The guards returned to find the three men missing. They were later found near the mosque. One's throat was slit, one was shot in the head, and the third had his foot severed. The three were buried where they died. 388/

Omarska

236. Omarska is situated approximately 16 kilometres east of Prijedor proper. In the early part of 1992, it was the site of a Serb-run detention camp, where thousands of local villagers, primarily Muslim males, were detained. Many of the prisoners were subjected to beatings, torture, mutilation, and execution. In nearby Prijedor, another camp was established at the "Keraterm" ceramics plant, where prisoners withstood treatment similar to the prisoners at Omarska. Indeed, many prisoners were shuttled among among the Omarska, Keraterm, Trnopolje, and Manjaca camps from the period of May through October 1992.

237. This region contains several mining operations scattered throughout the landscape. These mines, particularly those in Omarska, Tomašica, and Ljubija, which reportedly contain a great number of victims of the fighting in Prijedor county, as well as those killed during detention. The deep pits and shafts created by previous mining operations provided an easy way to carry out large-scale burials; evidence of which could be readily hidden from local villagers and the international community. Indeed, the Serbs regularly recruited local villagers and camp inmates to assist in disposing of the bodies and then killed them as well so as to eliminate any potential witnesses.

238. The lack of witnesses explains why the descriptions of most of the mass grave sites in this area are sketchy and almost always consist of hearsay. The names of various gravesites are described in a variety of ways, making it difficult to ascertain a precise number of locations in the area. In the village of Omarska, there are reports of 12 mass graves.

239. Omarska Mining Complex: The village of Omarska contains a vast mining complex for the excavation of iron ore. This complex was comprised of several different pits, most of which were used to bury the bodies of those killed in the Omarska and Keraterm camps, as well as those killed in villages which were attacked by Serb forces.

240. Many villagers from Prijedor and former camp inmates refer to the "Omarska mines" as burial sites. More often than not, the precise location in which persons are buried is not provided. Six mining locations, however, have been identified as those constituting mass graves: 389/ the "Jezero" open pit, the "Ruvac" open mine, the lake near Medjedja dam 390/, the

excavations at "Mamuze", Maričke mine shaft, and Gradina Brana mine shaft. According to the witness who identified the first three sites, 10 to 20 people were killed every day during the three month existence of the Omarska camp and buried at these sites, as well as at Tomašica. 391/ The Jezero and Mamuze sites were closed in January 1992, and area residents say the sites now contain a number of Muslims. The Jezero pit, according to one report, contained the bodies of 59 injured and nine killed civilians from Keraterm Camp. 392/

241. Many of the witness reports identify specific numbers of people buried at the Omarska mines. A former inmate personally observed between 40 to 50 bodies taken away from Omarska camp and deposited in "a nearby mine". 393/ On 24-25 July, 180 Omarska prisoners from Čarakovo were killed at the camp, on the open ground between Bijela Kuća (white house) and Klaonica (slaughter house). A prisoner witnessed a mechanical digger putting the bodies onto two large trucks, which then left "in the direction of the mine shafts". 394/

242. According to several interviews with refugees, a specific incident which took place at Keraterm camp resulted in a huge mass burial, most likely at one of the Omarska/Tomašica mine sites. The numbers of persons involved varies from report to report, but the general sequence of events surrounding the incident do coincide. On one night in mid-July 395/ of 1992, a large number of men were killed or wounded in Room 3 of Keraterm Camp. Two Serb guards reportedly opened fire on a number of prisoners housed in Room 3. Hundreds of men were killed 396/ and still others were wounded. 397/

243. The following morning, the guards enlisted several prisoners to load the bodies of both the dead and wounded onto trucks for disposal. 398/ Once the loading was complete, the trucks traveled to one of the various mine locations, where the bodies of the wounded, dead, and those who assisted in loading the trucks (who were likely killed on-site) were thrown into the mine. 399/

244. Of the six individual accounts of the incident, three mention Omarska as one of the likely mine locations where these bodies were taken. Four specify the Tomašica site as a possible location, and one identifies the "Ribnjak" or "Ljubija" mine as the site. 400/ If, as one of the accounts suggests, Tomašica is part of the mining complex at Omarska, then the likelihood that these victims are buried at or near Omarska is highly probable. However, the mine locations in Omarska are not the only potential sites of mass graves.

245. Omarska Lime Pit: One former prisoner of Omarska Camp alleged that each morning about 10 people were taken away to a nearby lime pit. One local villager found his brother's body in the lime pit. Other villagers found severed body parts, but could not identify any relatives. 401/

246. Manmade Swamp: According to one witness, a former Omarska inmate, there was a rumour of a mass grave situated about 600 metres south of the camp. It consisted of a .5 kilometres long, manmade swamp, which was part of the mineworks and contained acid. The witness suggested that the swamp was being used to dispose of many of the victims killed at the camp. 402/

247. Sites at Omarska Camp: Several reports mention the existence of mass graves, which may be located at the Omarska Camp itself. A former inmate stated that most of the killings at Omarska took place in the machine hall. Prisoners would be called away, shots would be heard, and the prisoners never returned. The inmate alleged that these victims were ultimately buried in a mass grave near the machine hall. 403/ The camp garbage heap was also a site mentioned as a place where bodies were dumped. 404/

248. Another inmate related that every night, two prisoners were selected to bury the dead. One night the witness was chosen, and he buried 11 corpses crosswise in a "pit". 405/ The location of the pit was not specified.

249. Busnovi and Gruben: The Busnovi and Gruben regions are also alleged to be gravesites. No other details regarding these sites were provided. 406/

250. Tomašica: 407/ As discussed earlier, the Tomašica mine may very well be a part of the whole Omarska mining complex, where scores of former prisoners are buried, particularly the victims of the July killing at Keraterm's Room 3. One account, which related the Keraterm incident, was specific about the burial site and did not refer to the mine itself. This witness speculated that the bodies were taken to an area in Tomašica known as "Depunija". Someone he knew saw a truck unload many dead bodies into a deep pit there. 408/

251. However, the mines at Tomašica may not have held only prisoners of the various Prijedor camps, but other victims as well. According to one witness, 18 Muslims were killed in the yard of a residential home in Prijedor during late July 1992. 409/ These men, along with the bodies of 40 to 50 men killed on Partizanska Ulica, were transported in a truck, which was followed by a bulldozer. The vehicles turned onto the road which led to the Tomašica mines. The witness only saw the loading of the bodies, not the burial, but mentioned that the road travelled led only to the mines and to no other road or location. 410/ The witness also noted that he observed a truck designated as belonging to the Tomašica mine pass him on the road. As it turned, blood spilled out of the truck and he saw arms and legs hanging.

252. Ljeskare: There is a horizontal mine shaft in the village of Ljeskare. Prisoners at Omarska Camp heard rumours that 500 women, children, and elderly from the village of Hambarine were being held in the mine shaft. They were suffocated when the entrance to the shaft was destroyed by explosives. 411/

Ljubija

253. Ljubija is 10 kilometres south of Prijedor. Like Omarska and Tomašica, Ljubija is a mining community, and served as an additional location where prisoners and villagers were taken for burial.

254. Strip Mines: In the middle of May 1992, Serb soldiers from an unidentified unit took control of the Ljubija strip mine. Guards posts were established, the location was armed, and barbed wire was erected. 412/ Because of the frequency with which witnesses to the mass burials in Prijedor were killed, the precise locations of the sites are often not provided. Accounts refer to the "Ljubija" mine, strip mine, open pit iron mine, and the like. Six locations, however, have been identified with more specificity:

(a) Vukulja: Vukulja was a pit 12 kilometres in an unknown direction from Ljubija. Prior to May of 1992, recent ore excavations had taken place at the site. A source provided hearsay information that 150 Muslims from Kozarac and thousands of other Muslims from the Prijedor area were killed in the Vukulja and Ljubija pits in August of 1992. 413/

(b) Šljunkara: The Šljunkara open pit was five kilometres south-west of Prijedor. Just as Muslims from Prijedor were buried in Vukulja in August, others were buried in the Šljunkara pit in May of 1992. 414/

(c) Iskopine Pit: The Iskopine pit is located just west of the main road through Ljubija between an area marked "Ljubija Rudnik" and a small lake. 415/ In late July 1992, many of the male villagers of Rizvanovici were rounded up by Serb forces. Between 117 and 155 Muslim males were taken to the village of Miska Glava, where they were held in a cafe for three days without food or water. Seven of the prisoners were disemboweled or had their throats slit, and 10 were taken away and never returned. The remaining prisoners were taken to Ljubija sports stadium, where they were beaten. Approximately 60 of the prisoners were mutilated and killed. Those who were still alive had to load the mutilated corpses onto buses. The buses drove to the Iskopine pit, parked near a bulldozer, and two or three prisoners took turns hauling the corpses to an area 20 metres from the buses. Automatic rifle fire emanated from this area and the prisoners never returned. An escapee believes they were executed by rifle fire. 416/

(d) Open Pit Mine - Stara Cesta Road: This open pit mine is said to be two to three kilometres south of Ljubija. It is 12 metres in diameter and is six metres deep. On 1 August 1992, a pile of 20 to 25 bodies, all with multiple bullet wounds, was seen in this pit. The pit is on the east side of Stara Cesta Road and north of a dirt path, which turns off the main road to the east. A Bosnian refugee personally observed these bodies, which were covered with earth a few days later. 417/

(e) Redak & Kruška Pits: Redak is an open strip mine pit three kilometres south of Ljubija, and Kruška is one kilometre south of Redak. Bodies were said to have been dumped in these pits after the attacks on the village of Brisevo. 418/ The pits at these locations were 5 to 100 metres from the road, with dimensions of three metres by three metres by 2.5 metres. The pits were empty before hostilities began in Sanski Most, but in August of 1992, residents observed that the pits were filled with the region's yellow dirt. One person observed human bones protruding from one of the pits. 419/ Another report alleged that 200 people were buried in one grave at Redak. 420/

(f) Ljubija Mines: Other allegations generally state that Ljubija mines were used as burial sites. One prisoner from Keraterm related that his Serb guards told him that the 15 to 20 prisoners who died at the camp each day were buried at the ore mine in Ljubija, 15 kilometres west of Prijedor. 421/

(g) Another man from the area stated that he spoke with a man who buried bodies brought by the Serbs to the strip mines. Specifically, more than 100 villagers from Hambarine were captured, taken to the strip mines, executed, and buried by an excavator. 422/

(h) Another report states that in July 1992, bodies of killed civilians were brought on a regular basis to the Ljubija mines, where they were soaked with oil and set on fire. Afterwards, bulldozers would cover them with dirt and cobbles. 423/

255. Šurkovac: Šurkovac is a village 2.5 kilometres north of Ljubija. Within the village is a hamlet called Volarić, entirely populated by gypsies. According to a refugee, 12 unidentified bodies were unloaded off a truck on the left side of the Ljubija-Miska Glava Road. Eleven Gypsies were forced to bury the victims who may have been from Rizvanovići. 424/ As the Gypsies were digging the mass grave, a delivery truck, which was supplying food to the Serb Army, passed by and the Gypsies were fired upon, instantly killing nine of them. The witness identified the gravesites on a topographic map. 425/

256. Tomeks Plant: A large number of bodies are reportedly buried in a mass grave near the Tomeks plant in Ljubija. No other details regarding the site were provided. 426/

257. Ljubica Dizdarević Residence: This house is situated near the west side of the intersection of Stara Cesta road and the new road 3.5 kilometres south of Ljubija. A group of 20 Muslim prisoners, some from the village of Čarakovo, were transported to this site by bus and taken to a pear tree. Their hands were tied behind their backs and 10 armed guards escorted them. The prisoners were forced to dig a pit. The guards then beat and shot the prisoners and pushed them into the pit, which was then covered with dirt. The witness heard of the killing from his aunt, who was an eyewitness. During the last half of August, human hands and feet could be seen protruding from the pit. 427/

258. Raljaš: There is a general report that 19 persons were killed and buried in five graves in Raljaš. 428/ No other details regarding the site were provided. 429/

Gravesites Near Sanski Most Border - Stara Rijeka & Briševo

259. Stara Rijeka is approximately three kilometres south-east of Ljubija and sits on the border with Sanski Most county. It nearly forms one village with its neighbor, Briševo. Because of the specificity with which graves in both villages are described, they will be discussed separately.

260. Stara Rijeka Cemetery: On 25 July 1992, soldiers from the Bosnian Serb 6th Light Infantry Mountain Brigade, the Fifth Kozara Brigade and local mobilized Serbs converged on both Stara Rijeka and Briševo. All Muslim and Croat males were apprehended. During the roundups, 85 residents, including 17 women, were killed. 430/ Most were slain with knives. Serbs in Stara Rijeka allowed survivors of the attack to bury the dead; those in Briševo did not. 431/ In August of 1992, nine bodies were buried in two graves in the Stara Rijeka Croatian "Grošica" Cemetery.

261. Two Bosnian refugees gave detailed descriptions of the burial sites and identified the victims. 432/ The cemetery is four kilometres south of Stara Rijeka, on the east side of the highway to Stari Madjan. It is surrounded by a wrought iron fence and has only one means of ingress and egress: a small bridge which spans a two metre canal separating the cemetery from the highway. The first grave is to the left of the cemetery entrance and covers a six square metre area. Two Bosnian Croatian married couples 433/ from the villages of Briševo and Stara Rijeka are buried there. 434/

262. The second grave is to the right of the cemetery entrance and is four metres by 2.5 metres. Nine members of the same family, 435/ who were Bosnian Croatians from Stara Rijeka, are buried there: three brothers, four sons of two of the brothers, a nephew of the brothers, and a cousin from Briševo.

263. When the bodies were found, all the throats had been slit, the backs of their knees had been cut, and all body hair had been burned off. One victim's head had been scalped and his eyes were removed. One other victim had skin removed from his left elbow, and another's spine was broken. It appears from the report that the bodies were discovered by a villager, and he was granted permission to bury them. 436/

264. In addition, there is a general, unconfirmed report that 43 people were killed in Stara Rijeka and buried in two graves. 437/

265. Briševo: A 30 year-old Bosnian Croatian witness from Briševo 438/ has provided testimony of mass grave locations, names of some victims, and details of how they were killed. 439/ The first attack on Briševo was on 27 May 1992. By the dawn of 24 July 1992, the area was entirely encircled. On about 24 August, the area was under mortar attack. After the mortar attack, troops moved from village to village, indiscriminately seeking out and killing inhabitants. 440/ Meeting little or no resistance, these forces moved through each town and forced out the remaining inhabitants. 441/ Most people were hiding from the shelling in their basements, where the soldiers killed them. About 70 bodies were buried, all of which had suffered multiple bullet wounds. 442/ The Sixth Krajina Brigade and members of the Fifth Kozara Brigade were reportedly responsible for these mass killings. Most of the victims were killed by the Sixth Krajina Brigade. 443/ The witness also provided the names of some perpetrators. 444/

266. Some of the information provided included individual graves located near mass graves. 445/ These individuals also may be the victims of mass killings. All of the graves were dug by civilians from the village of Briševo, including the witness, except for the first grave listed later, which was dug by the victims themselves. All are over one metre deep and all are marked with a cross and surrounded by wooden fences, again with the exception of the first grave listed. Some bodies were wrapped in sheets and blankets and then buried. 446/ The following is a list of those graves in the Briševo area. 447/

267. In mid-August, a bus arrived from Ljubija with about 20 Muslim prisoners. They were predominantly young men (in their early twenties) from the village of Čarakovo. They were removed from the bus with their hands tied with wire behind their necks and escorted by about 10 guards with assault weapons. After their hands were freed, they were forced to dig a pit. The guards beat and shot them and then pushed their bodies into the pit. Before leaving, the guards covered the bodies with dirt. During the last half of August, the witness could see hands and feet protruding from the grave. 448/

268. The badly burned bodies of an 80 year-old man, a 55 year-old woman, and a 67 year-old man are buried near a witness' house. This grave is located in Pimaci. 449/

269. Above a witness' house in Mlinari, six people are buried. 450/

270. About 10 metres from the well near Marko Buzuk's house, a 65 year-old woman, a 60 year-old man and a 30 year-old man are buried. 451/ In the same immediate area, about 400 metres west of Mlinari toward Groarac, 452/ a grave contains four male bodies with multiple bullet wounds. 453/

271. At the location called Jezerce (Little Lake), four people are buried.

272. There are two graves 200 metres from the road south of Lisina, near a witness' house. 454/ The two graves are about 70 metres apart. 455/ An entire family of six individuals is buried there.

273. Four women and four men were brought and killed near Ivo Žunić's house and later buried there. 456/

274. The graves of two 16 year-old males are located on the Žunića Ravana road, north-west of Buzuci. 457/ One boy was buried on the south side of the stream, and the other was buried on the north side. Their bodies bore identification stating that they were from Rizvanovići.

275. The witness also provided detailed information on how a number of the victims listed above were killed. Many were tortured and all were beaten. Some were killed by picks, shovels, and stakes, while others were mutilated. 458/

25. Rogatica 459/

276. Rogatica is located in eastern BiH, near Srebrenica and Višegrad. According to the 1991 census, Rogatica had a population of 21,812 persons, 60.4 per cent of whom were Muslim and 39.6 per cent were Serbian.

277. Dobrun/Okrugla: A witness from Višegrad related that Serb Muslim relations grew tense upon the arrival of the Užice corps on 14 April 1992. 460/ The Užice corps left a month later, and Serb irregular forces came in. Muslims began being subjected to curfews and dismissed from their jobs. Those Muslims who belonged to the SDA were often taken for interrogation. At one point, the commander of the Serb Territorial Defence Forces ordered all Muslim men over the age of 15 to report to headquarters. Upon arrival, they were told to be out of the village by noon; thereafter many Muslims fled.

278. The witness joined a convoy of four buses carrying refugees from Titovo Užice towards Skopje. The convoy was stopped by Četniks between Pobrun and Okrugle. Nineteen men were taken away from the convoy, and the witness later heard that the men had been killed and their bodies buried in a common grave.

279. Žepa: UN monitoring organizations (UNMO) received a report of a possible mass grave in Žepa. A local civilian met with UNMOs who said that there was a mass grave near his house, and related that most victims were killed in 1992, in Višegrad and its surroundings by "Četniks", not local Serbs. The bodies were then thrown into the Drina River and resurfaced in Slap. 461/ All of the victims were Muslim. The witness has a list of 85 persons who were buried in the mass grave. Another man secretly buried the personal property of the dead in another location in Žepa. UNMO patrols visited the alleged site and confirmed that there is a mass grave at the location, as well as some individual graves. The report notes that a total of 185 persons may be buried in the area. 462/

26. Sanski Most 463/

280. The county of Sanski Most is located in north-western BiH, just south of Prijedor and west of Banja Luka. According to the 1991 census, Sanski Most had a population of 60,119 persons, 47 per cent of whom were Muslim, 42.2 per cent were Serbian, 7.1 per cent were Croatian, and 3.7 per cent were "other".

281. Military activity in Sanski Most began in late May 1992. On 27 May, roads across the Sana River were blocked local Serbian police and, possibly, the JNA. Mortars and artillery were brought into position the next day, and the county began being shelled that evening. The Serbs asked the citizens to surrender and report to the main soccer field in Sanski Most. Most citizens left their homes to comply, and Serb forces began "cleansing" the towns. Houses were looted and burned. If villagers remained inside, grenades were thrown in to kill the occupants. 464/ At a later date, villagers were taken to detention facilities somewhere in Ključ and/or Sanski Most, including

"Krings" camp. 465/ From information available to IHRLI, most of the mass graves in the Sanski Most county surfaced in the surrounding villages, and not in Sanski Most proper.

282. Ključ-Sanski Most Road: A Muslim villager from Sanski Most county was one of those transported to detention facilities in the Ključ and Sanski Most area. While he was on board a bus between the two counties, he saw a pile of 40 to 50 bodies lying in a meadow approximately five metres from the road. At the foot of a hill, a bulldozer was digging, what the villager presumed to be, a mass grave. 466/

283. Vrhpolje: Vrhpolje is a small village 12 kilometres south of Sanski Most. On an unidentified date, the village was looted, burned and destroyed, and 3,500 of its inhabitants were killed and then buried in mass graves. The graves are reportedly located between Highway 15 and the Sanica River, next to a gravel road that crosses a wooden bridge. The bridge is situated just south of where the Sanica River joins the Sana River. The graves were dug by bulldozers for four days. A Serbian guard at the Krings Camp told a Bosnian refugee about the site. Gypsies may have assisted with the burial of the bodies. 467/

284. Klijevci: Klijevci is a village situated eight kilometres south of Sanski Most. According to reports, the entire Muslim male population of the village, aged 14 and older, were killed and buried in mass graves. The order to kill the Muslims was reportedly given by a Serb commander. This information was given to a Bosnian refugee by a man who was one of a group of 20 men who were taken to be killed but escaped. 468/

285. Hrustovo: Like Klijevci and Vrhpolje, Hrustovo is south of Sanski Most by 13 kilometres. This Muslim village was also completely destroyed, and all inhabitants who had not fled the region earlier were killed. The victims were buried in mass graves, but the precise location was not provided in the report. 469/

286. Otiš: A source interviewed by the United Kingdom noted that he had heard rumours that all Croats living in Otiš 470/ were killed and 5,020 of them were buried in a mass grave. No other details about the site were provided. 471/

287. Škrljevita: G.S., a Croat civilian from Škrljevita, outside of Sanski Most proper, was reportedly ambushed by Serbs on 2 November 1992. He and five other individuals were taken to a location near the Glamosnica forest, lined up in a row, and shot at with machine-gun fire. G.S. survived the shooting and later escaped. He noted that on the same day, a group of three other Croatian civilians were killed in a similar fashion, as they were returning from Sanski Most. Another Croatian was killed, reportedly because the Serbs feared that he knew of the murders of the three civilians. The Serb authorities gave an ultimatum to the villagers of Škrljevita to bury all of these victims before 3:00 p.m. on 4 November 1992. The villagers received the bodies of the nine individuals on 3 November, which they buried in the common grave in the Škrljevita cemetery. 472/

27. Sarajevo 473/

288. Sarajevo is located in southern BiH. The county consists of several districts, including Hadžići, Ilijaš, Ilidža, and Vogošća. Sarajevo's population in 1991 was 525,890 persons, 49.3 per cent of whom were Muslim, 29.9 per cent were Serbian, 10.7 per cent were "Yugoslav", 6.6 per cent were Croatian, and 3.5 per cent were "other".

289. Tarčin: The village of Tarčin is situated in Hadžići district, 20 kilometres north-east of Konjic proper. The self-styled "Croatian Republic of Herzeg-Bosnia" informed the ECMM office that a mass grave exists on the outskirts of Tarčin, near a meat factory. According to a map, the gravesite appears to be located between the factory and the river, just north of an east-west railway line. The factory sits north of the intersection of the road to Kreševo and the road between Konjic and Sarajevo.

290. It is believed that there are 30 Croats from Konjic in the grave, as well as three Serbians. 474/ Five of the victims are said to be children. The perpetrators are known, but not named for confidentiality and prosecutorial reasons. Although ECMM was called upon to investigate, 475/ as of 22 November 1993, the HVO denied access to the routes to Tarčin. 476/

291. Sarajevo City: A woman resident of Sarajevo informed a German journalist of a possible mass grave in the city of Sarajevo. The grave sits in the Muslim controlled centre of town, between the burned library building and the Miljacka River. 477/

292. Rajlovac: A captured Serb soldier related details regarding the site of a mass grave in Rajlovac. According to the soldier, Šešelj's troops were in the village of "Ahatovići" 478/ burning houses and killing its inhabitants. The soldier's mission in the village was to "kill and destroy". Šešelj's troops captured 150 men, women, and children and ushered them into a hole, near a stationed machine-gun. All of the persons were then shot by the machine-gun and automatic rifle fire. Later, two Yugoslav People's Army trucks arrived on the scene, and two other prisoners had to load the dead bodies onto the trucks. 479/

293. The trucks traveled to Rajlovac, and stopped at a hole which was 10 metres deep and five metres wide. The prisoners, some still alive, were thrown into the hole, 480/ where some of Šešelj's men continued to shoot at the bodies. A dredger then poured dirt over the hole. 481/

294. Ilijaš: The soldier noted in his interrogation that 30 Muslims who had been detained in a school in "upper Bihać" were taken to "Ilijaš", where they were killed and thrown into a "peć" [stove]. 482/

295. Lješevo: Lješevo is a small village in the Ilijaš district. On 4 June 1992, the village was attacked with artillery fire from Serb forces. The following day, four busloads of soldiers surrounded the Muslim part of the village and ordered the Muslims to gather in the centre of town. During the occupation, many of the civilians in the village were killed. Some of the corpses remained unburied for 18 days, but were later interred in a "mass churchyard". The report lists 20 identified victims, but is not clear as to whether all 20 persons were buried in the churchyard. 483/

296. Žuć: Žuć is a mountain in the Sarajevo area. A Serbian soldier witnessed the mass killing of 20 to 30 Muslims and the burial of those bodies at the same location. No further details were provided in the report. 484/

28. Slavonska Požega

297. Slavonska Požega is located in the region of Croatia called "western Slavonia", with Slavonski Brod and Nova Gradiška forming its southern border. According to the 1991 census, Slavonska Požega had a population of 71,299

persons, 79.4 per cent of whom were Croatian, 14 per cent were Serbian and 6.6 per cent were "other".

298. On 19 October 1992, Croatian authorities issued an order to many Serb villages in several counties, including Slavonska Požega. 485/ The order stated that the ethnic Serb population from each named village was to leave within 48 hours. The depopulated Serbs would then have the choice of moving to villages with Croatian majorities, or going to refugee camps. The villagers of Jeminovac and Snjegavić did not comply with the order, because they did not know where to go. 486/

299. On 10 November 1991, members of the Croatian National Guard entered all villages which had not complied with the depopulation order, including Jeminovac and Snjegavić. ZNG forces threw flammable substances and hand grenades into the homes. Most of the houses were burned down, and residents were killed, either by gunfire, having their throats slit, or burning to death inside their homes. Several tens of inhabitants were killed and buried in a mass grave. 487/ No details regarding the precise location of the grave were provided.

29. Sokolac

300. Sokolac is in south-eastern BiH, near the counties of Olovo and Rogatica. According to the 1991 census, Sokolac had a population of 14,833 persons, 68.6 per cent of whom were Muslim, 30.2 per cent were Serbian, and 1.2 per cent were "other".

301. Sokolac may be the site of one mass grave, perhaps near the village of Sokolovići. A former citizen of Visegrad provided testimony about the location. On an unidentified date, Serbs suggested to the civilians of Višegrad that they should flee the county and 400 refugees boarded six buses to Olovo. On the Isarevo Hill, near Olovo, the convoy was stopped by Četniks. The elderly and handicapped, women, and children were made to walk towards Olovo, while the men went toward Sokolac.

302. The following day, the refugees learned the convoy would travel to Han Pijesak and they would be exchanged. However, the buses went to Sokolovići, Kalimanovići and Zakomo, and stopped at the sugar factory. The Četniks took all the jewelry, money and identification papers from the refugees. Soon, a man 488/ arrived and the Četniks began beating one of the refugees. The others tried to escape, but they too were captured. Some were beaten and harassed.

303. Later, the bus of prisoners traveled a short while, then stopped. The prisoners were forced 150 to 200 metres uphill along a muddy road. Ten of the men were separated from the group, and two of them were shot by Četniks armed with submachine-guns. The men "disappeared", according to the witness. The witness then saw that a pit had been dug in the area, and concluded that all of the prisoners would be shot and thrown into the pit. More killings commenced, and the witness began to run away. The Četniks fired bursts at him, but he managed to escape. In all, the witness estimated that 49 persons were killed at the pit. 489/

29. Srebrenica 490/

304. Srebrenica is located in eastern BiH, on the Serbian border. According to the 1991 census, the population of Srebrenica was 37,211 persons, of whom 74.8 per cent were Muslim and 25.2 per cent were Serbian.

305. There is a report of one mass grave in Srebrenica. Serbs report that the Bosnian Muslims killed a number of Serbs in this county, and that there is a mass grave in the village of Tomanice.

30. Titova Korenica

306. The county of Titova Korenica is located in southern Croatia, on the border with Bihać pocket. According to the 1991 census, 75.8 per cent of its 11,307 persons were Serbian, 16.8 per cent were Croatian, 3.9 per cent were "other", and 3.5 per cent were "Yugoslav".

307. There are two mass graves reported in this county. The victims in both reports appear to be soldiers of Croatian ethnicity.

308. Debelo Brdo School: In August 1991, the Howitzer Battalion of the 3rd Yugoslav People's Army Corps received orders to travel to Croatia. 491/ Upon arriving in Croatia, the battalion was told that they were "no longer members of the JNA", but were local volunteer Serbs who were part of the Sixth Lički Division of the Army of the Serbian Krajina. They traveled for several months around the vicinity of Debelo Brdo and Petrovo Selo, near Plitvička Jezera National Park. From their various positions, they fired upon Croatian villages with artillery.

309. Their mission, according to a Bosnian Croatian refugee, was to "destroy all Croatian villages and kill all Croatians and Muslims". The refugee explained that this mission prompted the battalion's executive officer, a Macedonian, and all non-Serbs of the unit to desert.

310. When the unit arrived at Debelo Brdo, it found the bodies of 24 Croatians who had their throats slit and their heads smashed with blunt instruments. Some had their genitals removed. Members of the "battalion" collected the bodies and buried them in a mass grave 300 metres from the school in Debelo Brdo. 492/ The refugee recognized some of the victims as former JNA troops of Croatian ethnicity. He also heard from other soldiers that the victims had been killed by Serbs. The report does not state whether the Croatians were members of the JNA during a time when it was given orders to destroy Croatian villages.

311. Čanak: This village was looted and burned on 10 December 1991. 493/ During the attack, 60 civilians and Croatian soldiers were killed, and 11 members of the Croatian Army's 128th Riječka Brigade were missing. There is a report that two "graveyards" are present in the village, one of which was the site of executions. JNA forces as well as Serb militias and paramilitary groups, are said to be responsible for the killings. No other details about the site were provided.

31. Tomislavgrad

312. Tomislavgrad is in the south-western part of BiH, and borders Croatia. Of the 29,261 inhabitants of Tomislavgrad, 86.6 per cent were Croatian, 10.8 per cent were Muslim, and 2.6 per cent were "other".

313. There is one report of a possible mass grave in this county. On 22 September 1993, ECMM met with General Pašalić 494/ who informed them that an "improvised" mass grave had been discovered at "Raštani". 495/ The grave may contain more than 20 bodies. According to Pašalić, the grave had not yet been exhumed at the time of the meeting with ECMM. 496/

32. Travnik 497/

314. The county of Travnik, on the Lašva River, is located approximately 70 kilometres west-north-west from Sarajevo, and 20 kilometres west of Zenica. Travnik had 70,402 persons in 1991, 45.3 per cent of whom were Muslim, 36.9 per cent were Croatian, 11 per cent were Serbian and 6.8 per cent were "other". According to the Deputy Mayor of Travnik, B. Kadrić, the population swelled to 100,000 in September 1993. 498/ It now serves as the main transit centre for Muslim refugees and displaced persons from Serb controlled areas. 499/

315. Vlašić Mountain - Koričanska Stijena: The Vlašić mountain range is just north of Travnik, and in 1992, the area served as a passage out of Serbian-held territory. 500/ The village of Koričanska Stijena is situated at the edge of the Ilomska River, which sits in a canyon below Vlašić Mountain. 501/ The village of Petrovo Polje is also nearby, and this small region is alleged to be the site of the largest mass grave in BiH. 502/ More specifically, it is where up to 250 men were shot and killed during a convoy operation from the Prijedor area to Travnik. 503/

316. On 21 August 1992, 504/ it was announced that some prisoners would be released from Trnopolje. 505/ No specific manner of selecting prisoners for release was apparent. 506/ According to one witness, four buses of prisoners were loaded at Trnopolje, including 250 men and 150 women and children. 507/ The convoy then moved toward Prijedor, where two buses and six trailer trucks, containing mostly women and children, were added to the convoy. 508/

317. The convoy proceeded towards Travnik, crossed a bridge over the Ilomska River and then stopped. 509/ All the males from each of the buses and trucks, totalling approximately 250, were gathered together and placed on the second and third buses from the front. 510/ The women and children who had been on those vehicles were put into others. 511/ The buses and trucks transporting the women and children passed the two buses carrying the men, so that the men's buses were in the rear of the convoy. 512/ The entire convoy traveled a small distance, 513/ and then the buses carrying the men stopped. The remainder of the buses continued on the road towards Travnik. 514/

318. Ten soldiers, wearing blue camouflage and red berets, took the male prisoners off the second bus one by one. 515/ The men were lined up in two rows, facing west. 516/ On the west side of the mountain, there was a 20 metre cliff, which ended in a slope that descended 300 metres to the Ilomska River. 517/ The men were then told to proceed to the edge of the cliff in the row formation and kneel. 518/ Automatic weapons fire was heard for five minutes, and the bodies of the men fell into the gorge. 519/ The men in the first bus were taken out in groups of three for execution. 520/

319. Three men were taken to the back of the second bus, 521/ and they saw two large pools of blood 10 metres behind the rear of the bus. They also observed prisoners standing at the edge of the precipice, then falling over the edge as they were shot. 522/ Many of the prisoners, including several of the survivors, jumped over the cliff voluntarily to avoid being shot. 523/ The entire incident lasted about 15 minutes. 524/

320. The guards left, but an hour later, the entire convoy of buses returned empty. 525/ A few guards got out of the buses and sprayed the bodies at the base of the cliff with automatic weapons fire and threw hand grenades at them. 526/ B.J., one of the survivors interviewed by Helsinki Watch,

related that he saw many corpses after he jumped over the cliff and that the executions continued. 527/ He said that many of the corpses were old, and that there were probably "fewer than 200". 528/

33. Vinkovci

321. Vinkovci is a county in eastern Croatia which borders Osijek and Vukovar. The county is populated by a Croatian majority, with small groups of Serbs. 529/ According to the 1991 census, Vinkovci claimed a population of 98,484 persons, 80 per cent of whom were Croatian, 13 per cent were Serbian and 7 per cent were other.

322. Fighting in the area began in October of 1991. The village of Tordinci was captured by the JNA and Serb paramilitary forces on 25 October 1992. 530/

323. There are four reports of mass graves in the county. Information regarding these graves is very limited.

324. Tordinci Catholic Church: A mass grave was said to exist at the Tordinci Roman Catholic Church. The victims were reportedly tortured before death. 531/ According to television and radio reports, as well as the report of a JNA captain, 208 corpses were buried at this site, along with dead animal corpses. However, Osijek police could not locate any witnesses to the burial. On 25 August 1992, police gave a document to UNCIVPOL that described the grave as being in front of the Catholic Church, stretching from the cross to the nearest house.

325. Four days later, UNCIVPOL visited the site. The official observed a pile of dirt in front of the church, which measured 75 to 100 feet in length. It appeared that a trench was dug quite some time before the officer's visit, due to the undisturbed tall weeds along the pile. 532/ In early December 1992, ECMM notified the Vinkovci police of the mass grave, who were interested in pursuing an exchange of bodies. 533/

326. Special Rapporteur, Waly Bacre Ndiaye and forensic expert, Morris Tidball Binz, briefly visited the site on 18 December 1992. Binz observed a trench 30 metres long, four metres wide and between .5 and one metres high. The mound seemed to have been deposited within the last two years of his visit, but no later than the summer of 1992, judging from the vegetation growing on the site. The mound bore no visible signs or indications, and sat parallel to and on the side of the main road in front of a church. Contrary to other reports, Binz's report stated that the available information suggested that the bodies were not victims of atrocities or other war crimes. However, Binz stated that nothing was inconsistent with the allegations of a mass grave at the site. He recommended clearing the area of mines, as well as probing the trench with rods to obtain more conclusive information. 534/

327. Another report stated that UN forces discovered a mass grave in Tordinci, which contained the bodies of over 100 Croat soldiers and civilians. It was not stated whether this was the site located at the Catholic Church. 535/

328. Antin, Matanović Summer House: UNCIVPOL was notified of a mass grave in Antin on 23 June 1992 by the Osijek police. The police had information that a mass grave existed in an identified location. The house was situated near the railway station. According to police, two young men from Antin were interviewed on 2 July 1992 and stated that a large hole had been dug behind the house several years ago for a swimming pool. They believed bodies were

buried in the hole during the fighting in Vinkovci.

329. UNCIVPOL visited the area on 21 August 1992. The officials spoke with a female refugee who was living in the house and inspected the backyard. They observed a hole which was 20 metres by 10 metres by three metres. It appeared to have been open for some time, as small trees grew along the sides and edge. The officials noted that it clearly had not been dug up in the spring or summer of 1992, based on the vegetation growing around it. While people were reported missing from Antin, UNCIVPOL concluded there were clearly no bodies buried in this location. They did note, however, that witnesses heard shooting near the railway station and there may be a mass grave in that area. 536/

330. Antin, Cave Near Railway Station: According to one report, a mass grave was discovered in a cave dug close to the Markušića 537/ railway station. There were no details regarding the circumstances of the grave's creation or the number of bodies. 538/

34. Vlasenica 539/

331. The county of Vlasenica is in eastern BiH, only 10 to 20 kilometres from the Serbian border. It is situated 50 kilometres south-west of Zvornik, along Highway 19 to Sarajevo. 540/ According to the 1991 census, the population of the county was 33,817 persons, of which 55.3 per cent were Muslim, 42.5 per cent were Serb and 2.2 per cent were "other". 541/

332. On 17 April 1992, Serbian troops entered Vlasenica. Other Serb forces that had occupied Novi Sad joined the effort in Vlasenica on 2 May 1992, as well as Bosnian Serb forces from Šekovići located 15 kilometres north of Vlasenica. 542/ Over the next five weeks, villagers were reportedly captured, taken to the village police station, and beaten. Those Muslims who were believed to be "extremists" were detained at the police station.

333. On 24 June 1992, Serbs evacuated approximately 50 families who lived on Žarka Vukovića street. The Serbs told the civilians that they were looking for a specific "dangerous" Muslim. After the evacuation, five of the houses on that street were set afire, and the villagers were forced to walk to a prison camp in the Sušica River Valley. The "Sušica Camp" was located a few hundred metres from the town's main street. 543/ This camp was reportedly the site of many beatings perpetrated by camp officials. 544/ There were also alleged killings at the camp, which may have led to the creation of three mass graves in the vicinity of the camp. 545/

334. Mračnica Quarry: Mračnica is a quarry which is situated in a valley on Viselac Mountain. The site is two kilometres from Vlasenica on the road to Han Pijesak. According to one report, most of the killings at Sušica Camp took place at the quarry, and bodies were also buried there. No one has yet confirmed the existence of the grave because after an unspecified date, people were no longer allowed to travel to the area. 546/

335. Alpro Aluminum Factory: The source who provided information regarding burials at Mračnica, also stated that other burials may have taken place on the wasteland at the Alpro Aluminum Factory. No other details regarding the site were provided in the report. 547/

336. Dirt Road: Another report regarding the Sušica Camp identified another mass grave in the vicinity of the detention facility. At 1:00 a.m. on 26 June, two of the camp guards 548/ forced four of the prisoners outside; four gunshots and screaming were heard. An hour later, guards entered the

warehouse where prisoners were being held and told them to close the windows, as four prisoners had tried to escape. After sunrise, two prisoners were forced to bury the corpses of the four dead prisoners. The two turned left on the dirt access road that ran next to the camp, crossed a concrete bridge, then turned right onto another dirt road that led to the villages of Luke and Zalakavlje. The two men buried the bodies among some evergreen trees 200 metres from the start of the road, and 10 metres off to the left, in the direction of Luke. 549/

35. Vukovar 550/

337. The county of Vukovar is the easternmost county in Croatia. The Danube River forms the county's eastern border, and Vukovar city enjoys a riverside setting. Vinkovci county is to the south-west and Osijek is to the north-west. According to the 1991 census, the population of Vukovar was 84,024 persons, of whom 43.7 per cent were Croatian, 37.4 per cent were Serbian, 11.6 per cent were "other" and 7.4 per cent were Yugoslav.

338. In May 1991, JNA, Četnik and Serb Territorial Defence Forces, with the assistance of local Serbs, began attacking Vukovar. 551/ Daily artillery attacks continued on Borovo Naselje and the periphery of Vukovar's city limits. Many civilians fled, but returned in August to resume their daily lives. Still, the population had been numerically emaciated: 50,000 persons resided there before the war, and by 25 August 1991, only 15,000 persons were left. Up to this point, casualties were buried in the new cemetery of Vukovar, but burials at this site became increasingly difficult due to the war. 552/

339. Fighting continued until 14 September 1991, when the JNA attacked again and gained control of the south-west part of Vukovar from the direction of Negoslavci. Civilians began retreating to the centre of the city. 553/ About 18-19 November, the Croatian defences succumbed to the siege. In the first few weeks of military conquest, JNA forces and Serb paramilitary troops allegedly abducted, tortured, and/or killed hundreds of Croat civilians, police, and soldiers. 554/ Residents living in Vukovar's suburbs also fell victim to the activities of the Serb forces, as they converged on Vukovar from a variety of directions.

340. There are reports of huge numbers of mass graves throughout the county of Vukovar. These numbers are paralleled only in the Prijedor county in BiH. Most contain Croatian victims; a few contain Serbs. The available information suggests that some of the sites, which originally seemed to be illegitimate were indeed sanitary graves and contained civilian casualties of war or military personnel killed in combat. A man on burial detail for the Serb forces reported that the JNA dug up many sites around Vukovar and took the bodies away for proper identification and autopsy. 555/ Other sites in Vukovar do suggest evidence of mass killings and improper burials. In all, there are 19 alleged mass grave sites in Vukovar county, of which nine are in the city of Vukovar, and 10 are in its suburbs.

341. New Cemetery: The new cemetery is between the "Center" and "Sajmište" sections of Vukovar city, and is near the Supanic primary school. The Croatian Government and Red Cross 556/ both reported that 1,200 victims are buried at the site, but the Croatian Government does not list it as a site where mass killings took place. Dr. Vesna Bosanac, director of the Vukovar Hospital, indicated that this was the burial site for those killed in Vukovar only until 26 August 1991. After that date, the cemetery became "unapproachable". 557/ A gravedigger on burial detail for the Serbs alleged that 378 bodies, who remain unidentified, were buried at the new

cemetery. 558/

342. Old German Catholic Cemetery: The old German Catholic Cemetery is near the Vukovar hospital and the landmark Count Eltz chapel. This is the site to which bodies were taken after 26 August 1991, when the new cemetery could no longer be reached. Dr. Bosanac said that one grave at this cemetery contains 300 persons, the largest such site in Vukovar. 559/

343. Available information suggests, however, that the cemetery may have been the site of two mass killings of Serbians. One account states that a reported ZNG member killed 15 Serb inmates at an identified location after forcing them to dig their own grave. 560/ A second account alleges that Croatian officers and paramilitaries reportedly took 15 Serbs out of the ZNG military prison and brought them to an identified location. The Serbs were lined up on the edge of a grave and shot in the back with automatic rifle fire. The bodies then fell into the mass grave. 561/

344. While both of these accounts allege that 15 Serbs from the ZNG prison were killed, each identifies different perpetrators. Thus, as many as 30 Serbians may be buried at this site.

345. Sports Stadium "Sloga": This stadium is situated near the old railway station in Vukovar. There are a variety of reports regarding this site, which call into question earlier suspicions that it was an "illegitimate" gravesite.

346. The Croatian Red Cross alleges that 120 unidentified victims are buried at Sloga. 562/ No other details about the site were provided. However, two independent accounts allege that 70 bodies in coffins were located at the stadium and a nearby field. One of the reports stated that the coffins remained unburied 563/ and that bodies were taken there after burial at the new and old cemeteries ended. A submission from the Croatian Government alleged that 1,300 persons were buried at the site, but did not list the location as a place of mass killing. 564/

347. Finally, a man who was enlisted for burial detail by Serb forces told the Red Cross that people had been buried in pits in Lužac, which is near the stadium and next to the school, but that the pits were now empty, as the bodies had been dug up for proper identification and autopsy. It is unclear whether this site is the Sloga Stadium. 565/

348. Brickyard at Sajmište: The Vukovar brickyard was located in the "Sajmište" area of town. It was near railroad tracks and sat behind the "Velepromet" warehouse, a reported detention facility in which thousands of Croatian civilians were housed during the late months of 1991. The details regarding this site vary widely from account to account, but it appears that this was one site used by Serb paramilitaries 566/ to bury individuals who were killed during detention at Velepromet. 567/

349. Two accounts place the number of corpses at the brickyard graves at 1,000. 568/ A former prisoner of Velepromet was taken to the brickyard graves by four Velepromet guards to look for her husband's corpse. She saw a number of holes in the area, containing about 1,000 corpses of men, women and children. 569/ It is not clear whether all of the bodies were killed at Velepromet, or if the bodies were found elsewhere and brought to the site. 570/

350. In a different report, the Croatian Red Cross alleged that 250 corpses were buried at the brickyard, but were later transported to Grabovo fish pool. 571/ This was also suggested by the gravedigger interviewed by the Red Cross, who said many bodies were transported from the city to surrounding

areas for burial, including Grabovo. 572/ The large number of those reportedly killed, coupled with the transient nature of the burial system, makes it difficult to establish a firm number of the bodies buried at this site, if bodies remain buried there at all. 573/

351. Vukovar Forest: UN Commissioner Torkel Opsahl interviewed Ivica Kuletić, who is in Zagreb prison and is accused of war crimes. According to Opsahl's report, Kuletić allegedly took part in the killing of the sick and wounded from Vukovar Hospital. In addition, he confessed that in a forest near Vukovar, approximately 1,500 civilians were killed, an incident in which he participated. A large pit had been previously dug, to which detained civilians were brought by lorry every three to four hours. Five groups of civilians were brought to the site, with 250 to 300 persons in each group. Kuletić admitted that he and other persons killed a total of 1,500 people with machine-guns. In his conversation with Opsahl, however, he alleged that his confessions were made under duress and that he did not participate in the killings. 574/

352. Kivi Shop on Svetozara Markovića Street: Two reports, hailing from the Red Cross and the Government of Croatia, note that a mass grave was located on Svetozara Markoviča Street, near the "Kivi" shop, and contains 360 bodies. 575/

353. JNA Barracks: Marijan Karaula, a resident of Vukovar, stated that 72 corpses were buried at the JNA barracks. Reportedly, this site was later plowed over with a bulldozer. 576/

354. Home for Elderly/Harbor Headquarters: Both of these sites are near the Vukovar hospital, and Dr. Vesna Bosanac related that when the Vukovar Office of Burials ran out of coffins, bodies were disposed of at the home for the elderly. At the time of Dr. Bosanac's report, 50 bodies remained unburied there, as did 50 bodies in the backyard of the Harbor Headquarters. The bodies do, however, all have serial numbers for identification purposes. 577/

355. Residential Houses: A report detailing the siege of Vukovar noted that many JNA soldiers killed during the Vukovar fighting were buried in common graves in the yards of Vukovar's private residences. 578/ However, a gravedigger working for the JNA noted that the Army handled burials of its own soldiers, often taking the bodies to Negoslavci, or beyond to Serbia. 579/

356. Petrova Gora, Gelesova Dol: Petrova Gora is an area of Vukovar. At Gelešova Dol, 50 to 75 Croatian soldiers were allegedly shot and their corpses burned. 580/

357. Petrova Gora, Svetozara Markovića Street: A resident of Vukovar was captured by Serbs and forced to work on burial detail in the region. One gravesite at which he worked was at the end of Svetozara Markovića street, near the new fairgrounds. The site is on the right side of the street, near Misir's vineyard and 100 metres from the Vesela Dolina Inn. Witness and eight or nine other persons dug graves at this site. Witness estimated that 20 to 30 holes were dug very close together, with each pit holding three to four men. Those buried in the grave were Croatians, mostly men aged 18 to 30, in civilian clothing. The witness observed no women. He related that those he buried were killed in a variety of ways, but most did not seem to be traditional war casualties: the majority were shot in the head or had their throats slit. 581/

358. Petrova Gora, Stevo Kokot Property: The aforementioned witness

described the location of another grave in Petrova Gora. He did not participate in burials at this site, but two of his comrades did. The gravesite is on the property of Stevo Kokot, near the pond on the exit from Vukovar. To reach the site, one would take the road from Vukovar to Petrovci, near the new fairgounds, for about 200 to 300 metres. On the left side is a 500 metre long black slag road. On the right side, 150 metres along this road is a group of trees and the house of the Brac brothers. The mass grave is located between these two landmarks. Witness alleged that the JNA brought corpses there. 582/

359. Ovčara: The evacuation of Vukovar Hospital in November 1991 and the alleged mass grave at Ovčara have previously been the subject of reports prepared by the Commission. 583/ Accordingly, this section will discuss new information obtained since the date of the last report. 584/

360. Plans and arrangements were made throughout 1993 to conduct a second site exploration of the Ovčara gravesite. The goals of the second site exploration would be to exhume the bodies at the site, collect physical evidence, perform autopsies on all bodies at a selected morgue facility, and secure any available testimonial evidence not yet collected.

361. Once the resources and personnel were secured, the teams were dispatched to Sector East on 19 October to begin the investigation. The teams consisted of a contingent from Physicians for Human Rights (PHR); a Canadian War Crimes Investigation Team (WCIT). consisting of two military lawyers and three police investigators; and one UN Support Detachment Deploy from the Netherlands.

362. Upon their arrival in Sector East, the teams were told by UNPROFOR that a meeting with Republic of Serb Krajina officials, including Colonel Milanović, was required before the excavation could begin. Milanović was not available until 22 October, so the various teams went to the Ovcara site on 20 and 21 October to conduct a survey which would not involve excavation.

363. During the site survey, the area was cleaned and cleared of mines. Physical evidence, including spent cartridges were recovered. The arrangement of these cartridges confirmed earlier findings that the a mass execution had taken place at the site. 585/ Topographic mapping and metal detection sweeps were completed. On 23 October, Commissioner Fenrick advised that the Republic of Serb Krajina Parliament had made a decision to postpone activity at Ovčara until the political situation in the former Yugoslavia was resolved. Accordingly, all personnel ceased operations at Ovčara and withdrew from the site. Attempts were made to salvage the exploration, but with no success. The area remains under UNPROFOR protection. 586/

364. Lovas: Lovas is situated south-east of the city of Vukovar. Military activity in the village began on or about 10 October, when Serb forces fired grenades from their positions in the graveyard. 587/ The "White Eagles" arrived, and the movement of all villagers was restricted. The village surrendered, and arrests and killings of civilians began. 588/ Many villagers were subjected to forced labour, which included burial detail.

365. The alleged mass grave(s) in Lovas appeared to be located in the Catholic cemetery. Witness accounts spoke of one or two long canals or trenches, into which dead bodies were thrown. One witness was forced to drive those killed in the village to the graveyard, beginning on 14 October. One person identified the dead while five or six other Croatians loaded the corpses onto the truck. 589/ Nine people were killed on 15 October, and their bodies were also taken to the Catholic community grave. At the site, a canal was dug by a military excavator which was 25 metres by 80-100 centimetres wide by two metres. On the opposite side was a shorter canal, 10

to 12 metres long. However, witness never buried bodies in the smaller canal. A minimum of five persons were buried in the canal on the first day. When a row of bodies was complete, they would be covered with dirt and a new row was started. 590/

366. Another Lovas villager saw 26 people brought from a lorry to the site of two trenches, each 25 metres long and one metre wide. The trenches were not properly covered, and thus, parts of bodies were visible. This witness said that a total of 80 people were buried there. 591/ However, the Red Cross noted that the mass grave at the cemetery extended for 100 metres, from the cemetery entrance to the chapel, and that 140 villagers who had been executed were buried there. 592/

367. UNCIVPOL visited this site on 28 August 1992, after receiving word of the gravesite from the Osijek police. The UNCIVPOL official observed evidence of heavy equipment in the area and saw a mound of earth two metres by 50 metres. The official noted that the most "glaring proof" that a mass grave was situated at the site was the fact that it was visited by friends and family on a regular basis. The site was being maintained by them, as weeds had been removed and flowers planted at different points along the mound. 593/

368. On the basis of UNCIVPOL's findings, Special Rapporteur Ndiaye and forensic expert Morris Tidball Binz did a brief investigation of this site on 18 December 1992. Binz noted that the area consisted of a 30 metres long, two metres wide and slightly elevated mound of disturbed earth, and it appeared the trench had been refilled with earth. He observed that the middle part of the mound had been cleared of vegetation, and funerary ornaments had been placed on the top. He found no evidence which was inconsistent with allegations of a mass grave at the site. 594/

369. Binz's report suggested that the victims buried in this grave were victims of war crimes, and that the names of the dead were registered and can be traced. 595/ Thus, it would appear that the burial site itself is legitimate, but forensic information may reveal that the persons buried there were civilian victims of mass killings.

370. Jakobovac: Reportedly 300 imprisoned civilians and soldiers were executed and put in mass graves in November 1991. These graves were allegedly situated on the Vukovar-Sotin Road, towards Jakobovac. 596/ UNCIVPOL visited the area, but found no indication of a grave.

371. Kakobovac: A woman interviewed by the State Department was told by other Croatians that a sheep farm in the Serbian town of Kakobovac was turned into a jail, where a large number of Croatian POWs captured in Vukovar were killed. Afterwards, they were buried in a canal between the two buildings of the sheep farm. The canal had been used as a runoff for manure from the sheep and was lightly covered with dirt. When strong rains came, body parts could be seen protruding from the canal. The bodies were then moved to a ditch, .5 kilometres away where they were reburied. Barbed wire surrounds the gravesite. 597/

372. Berak: Hostilities in this small village outside of Vukovar began as early as 17 May 1992, when seven villagers were expelled by Serb paramilitaries. A mass grave was said to exist in the Sarvaš Valley, between Berak and Svinjarevci. A villager from Berak was informed by unnamed witnesses that a relative of the villager had been allegedly killed by a named "Četnik". According to the eyewitness, the perpetrator told JNA soldiers that he killed the person and threw the body into a pit in which all 32 killed villagers of Berak were buried. Those villagers had been abducted from Berak

between 2 and 14 October 1991. 598/

373. Bogdanovci: Bogdanovci is a small village in Vukovar, just north-east of Vinkovci. There was a general report that Vinkovci Police had knowledge of a mass grave near the village, containing an unknown number of bodies. According to the Croatian Red Cross, JNA and Serb paramilitaries performed summary executions of captured civilians and soldiers who attempted to escape Vukovar after the conquest. At the time of the report, 300 persons from the area were missing. 599/ However, the report did not speculate that all 300 persons were buried at this site.

374. Petrovci: The forest near Petrovci may be a mass burial site for Croatian soldiers. According to the Red Cross, Serb paramilitaries and JNA forces captured 16 Croatian soldiers retreating from Vukovar, and executed and buried them at this location. Two villagers were forced to bury the bodies of the dead soldiers. 600/

375. Tovarnik: Of this village's 3,000 inhabitants, 75 per cent were Croatian, and the rest Serbs. Once Vukovar was attacked, JNA forces and Četniks transported troops and weapons through the village on a daily basis. Civilians were captured and killed in the village beginning in late September of 1991. There were reports that four mass graves, holding the bodies of 250 villagers, exist in Tovarnik. 601/ One was located in the Catholic Cemetery, two were located in the vicinity of the Catholic Church, and the fourth was on the outskirts of the village. 602/

376. In late September, members of the irregular forces forced a Tovarnik villager to dig out a mass grave for killed civilians, along with six other Croatian men. Twenty-four residents of Tovarnik were buried there in a single day. 603/ During October, this same villager and two others buried three Croatians. 604/

377. Another witness related the burial of the parish priest. On 2 October 1991, the priest was allegedly shot in the back in the rectory. A witness discovered the body, he wrapped it in a blanket, placed it in a plastic bag, and then buried it in the mass grave in the cemetery. 605/

36. Zenica

378. The county of Zenica is located in central BiH between Travnik and Kakanj. According to a 1991 census of the area, the population totalled 145,577, of whom 55.2 per cent were Muslim, 15.6 per cent were Croat, 15.5 per cent were Serb, 10.8 per cent were Yugoslavian, and 2.9 per cent were listed as "other".

379. The BiH Army and the Croat HVO forces began to fight in the area of Zenica around April 1993. 606/ Specifically, the III Corps of the BiH Army, accompanied by Mujaheddins, attacked the villages on 8 June 1993. 607/ During the attack on the village of Maljina, the Mujaheddins allegedly killed approximately 25 Croats who were then buried in mass graves in Maljina. 608/ After the attack, members of the III Corps of the BiH Army or the military police prevented Croats from leaving the area without permission. 609/ Officials would grant exchanges of Muslims and Croats at an average cost of 250 DM per Croat. 610/

380. Maljina: On 23 September 1993, a UN official attempted to visit the mass grave sites in Maljina. 611/ The Deputy Commander of III Corps of the BiH Army, D. Merdan, refused to allow an investigation. 612/ The mass grave sites contained the remains of at least 25 Croats who were

allegedly massacred by Mujaheddins on 8 June 1993. 613/ Merdan stated that after an attack, a process of "assanation" occurred, meaning human corpses were buried and animals were burned. 614/ Merdan also stated that there were two mass graves in the vicinity of Maljina in which 25 to 30 bodies were buried. 615/ However, Merdan claimed that he did not know how many of the dead were civilians.

381. The UN official also interviewed a Catholic priest from Zenica, who corroborated the allegation that two mass graves existed in Maljina. 616/ The priest also received information that a third smaller grave existed. 617/

382. The UN official finally received permission to visit the sites from the Chairman of the Exchange Commission, Mr. Slavko Beba. 618/ The UN official went directly to Bikoši, a small hamlet located 1.5 or two kilometres from Maljina. 619/ The UN official chose Bikoši based on an eyewitness account of the alleged killing of Croats. 620/ The UN official found the situation to be exactly as the witness related, that the Croats were allegedly lined up against a wall and shot. 621/ The UN official saw that the wall was freshly patched and was certain that at least 25 Croats were killed. 622/

383. Near the wall, the UN official found two piles of freshly dug earth, which corresponded to the Zenica priest's description. 623/ However, the Chairman of the Exchange Commission stated that the graves were located two kilometres from the spot. 624/ The UN official's report never indicated whether the piles of earth were in fact the mass graves alleged to exist in Maljina.

384. A later ECMM report indicated that the UNPROFOR British Battalion confirmed the existence of the mass graves. 625/ However, the report did not contain specific details as to the location of the graves. The report also stated that 50 people were killed in the incident and that the BiH Army tampered with the graves. 626/ The ECMM did not indicate the source of this information.

385. Biluša: EC monitors reported that a mass grave was discovered in the village of Biluša in the Zenica area. 627/ The HVO information office reported that 32 bodies of Croat victims, most likely from Zenica, had been exhumed as of 5 August 1993. 628/ No other details regarding the location of the grave or the circumstances surrounding its excavation were given.

37. Zvornik 629/

386. The county of Zvornik is located in north-eastern BiH, bordered by the Drina River on the eastern side. The county consists of the town of Zvornik and 66 smaller villages and hamlets. According to the 1991 census, the population of Zvornik was 81,111 persons, of which 59.4 per cent were Muslim, 38 per cent were Serbian and 2.6 per cent were classified as "other". 630/

387. Serbian military activity in Zvornik began in April of 1992. Serbian civilians of the county began evacuating themselves from the village. 631/ Artillery and mortar fire commenced on 8 April, and JNA forces, Arkan's and Seselj's units 632/ and local Četniks occupied the village the following day. 633/ Šešelj's units demanded that Muslim residents surrender all of their weapons, and then forced them from their homes. This operation was reportedly organized by senior police officers.

Two hundred Muslim houses were burned, and 76 people were killed. Young male residents who had gathered outside of their homes were told to either join the Serbian forces, leave, or be shot. 634/ In the "Kula" section of Zvornik, men had gathered in the hospital basement. They were pressured by Četniks to provide information on "resistors". Those who refused were taken away, possibly to the detention facility at Karakaj. 635/ According to one report, 2,500 men were killed on 9 and 10 April. 636/ From mid-April to August of 1992, mass graves 637/ were allegedly excavated at various locations in Zvornik proper and its surrounding villages. 638/

388. Kazambašić Cemetery: The Kazambašić 639/ Cemetery is just outside of Zvornik proper, approximately two kilometres north-east of the city. 640/ The site is on the north-west side of the road that branches off west to Tuzla and north-east to Belgrade. 641/ It is believed to be a Muslim cemetery. 642/ In mid-April 1992, Serbian forces began using a bulldozer in the cemetary to dig large pits. The dimensions indeterminable. After the pits were excavated, buses and trucks arrived at the site up to three times per day. On some days, no bodies were dumped, but a bulldozer operator was always on site. 643/

389. The excavation and burial at the cemetery was witnessed by several people. 644/ Residents of Little Zvornik (on the Serbian side of the Drina River) observed the digging of the graves and bodies being dumped into them as early as April. 645/ Another report noted that 600 Muslims, who had been detained at the Čelopek and Divič camps, were killed, loaded onto trucks by Muslim and Croatian prisoners, and taken to the cemetery for burial. 646/ On 26 May, seven boys, who were detained in the Karakaj district, were walking past the cemetery with a "Četnik". 647/ On that date, they observed approximately 600 bodies being dumped into the pits from trucks. 648/ The boys described the gravesites as being on both sides of a road that ran north-west through the cemetery and about 100 metres from the main road. 649/

390. A 35 year-old resident of Zvornik viewed holes being dug "in a Muslim graveyard". She noted that the digger worked all day for seven days, and in the afternoons, locals who had been taken from their homes and killed were buried in the holes. She estimated that there were at least 100 people in each of several holes, but could not provide approximate dimensions of the gravesite. 650/

391. Ravnaje Stone Quarry: The Ravnaje rock quarry is located three kilometres east of Zvornik, near the Hotel Drina, in Serbia. 651/ Muslims from Zvornik reported seeing a convoy of refrigerator trucks driving on a road which lead to Ravnaje. The trucks had been loaded with the bodies of 60 prisoners, who had been shot and killed at the loading dock of the Karakaj camp slaughterhouse. 652/ A prisoner who had been one of those shot survived, watched the loading of the trucks, and was able to escape to Bosnian Muslim held territory. He joined the Muslim Defence Forces and viewed the convoy of trucks during his service with the organization. 653/ Another resident of Zvornik, who is now a refugee, also stated that she had heard of burials occurring in the gravel pits below the Drina River from Čelopek. 654/

392. Vidakova Njiva Suburb: Vidakova Njiva, a suburb, is just south of Zvornik proper. The alleged gravesite is located on a 1.5 kilometres stretch of land along the west side of the Drina River. A former captain with the Yugoslav Territorial Defence stated that from 9 June to 5 August 1992, between two and seven dump trucks came at night to this location and dumped corpses in trenches that had been excavated by a bulldozer during the day. It was estimated that at least 2,000 to 3,000 bodies were buried in this

area. 655/

393. Meterizi Cemetery: Meterizi Cemetery is approximately 700 metres south of the Karakaj industrial complex. Muslim Defence Force personnel serving in the county witnessed earth-moving machines digging a large pit in the cemetery. The witness speculated that the pit was to be used as a mass grave, but no other details about the site were provided. 656/

394. Snagovo, "Crni Ves": Snagovo is a village in Zvornik county, eight kilometres from Zvornik proper. It is situated along the road that leads from Zvornik to Pale and Sarajevo. A former captain with the Yugoslav Territorial Defence stated that in April and May 1992, at least 500 people were buried in a mass grave at Crni Ves, which is near the village of Snagovo. No other details about the site were provided. 657/

395. Snagovo: On 1 May 1992, Serb troops in the village of Snagovo killed 42 civilians, including a pregnant woman and a two year-old child. The bodies were transported to a truck garage, placed inside, and the building was set on fire. The remains were taken to bulldozers and taken to an unidentified mass grave. 658/

396. Grbavci Cemetery: Grbavci is located two kilometres from Zvornik. On 18 May 1992, Serb militiamen surrounded the village and began shooting. Residents began to flee. Many of the male villagers were rounded up, put into a line, and upon an order to "kill the Ustaša", were shot at with automatic weapons. At least 56 men were killed. Three days later, some of the villagers returned from their hiding places and buried the victims on the edge of the cemetery, between two rows of houses, near the spot where they died. 659/

397. Other Graves: There are general reports of other mass graves in Zvornik county. These include: a) Ramin grob, in the village of Glumina 660/; b) Šljunkara, near Karakaj and c) Amajići, on the Serb side of the Drina River. 661/

Notes

1/ As simple breaches, burials in violation of these provisions carry only disciplinary penalties.

2/ Chapter II, Article 19 of the Annex to the Hague Convention of 1907 provides that "the same rules shall be observed regarding death certificates as well as for the burial of prisoners of war, due regard being paid to their grade and rank".

3/ See also Protocols I and II for clarification of these provisions. Protocol I applies to international armed conflicts and Protocol II applies to non-international armed conflicts.

4/ This duty is explained in Article 15, First Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949), and Article 18, Second Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1949). Both articles provide substantially similar information.

5/ Article 16, Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949); Article 19, Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1949); Article 120, Geneva Convention Relative to the Treatment of Prisoners of War (1949), Article 129, Geneva Convention Relative to the Protection of Civilian Persons In Time of War (1949).

6/ If cremation takes place, the circumstances of the cremation and the reasons for doing so must be detailed on the decedent's death certificate.

7/ Article 17, Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949); Article 20, Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1949); Article 120, Geneva Convention Relative to the Treatment of Prisoners of War (1949); Article 130, Geneva Convention Relative to the Protection of Civilian Persons In Time of War (1949).

8/ Non-governmental organizations which have cooperated with the Commission are listed in Annex I.B, List of Missions Undertaken by the Commission.

9/ An example of this type of grave would be where a group of civilians was executed by machine-gun fire, and their fellow villagers conducted a proper burial in the local cemetery according to the appropriate religious rites.

10/ The following counties contain at least one reported mass gravesite and are addressed in the report: Bijeljina, Bosanski Brod, Bosanska Dubica, Bosanski Novi, Bosanski Petrovac, Brčko, Doboj, Foca, Gacko, Gospić, Ključ, Konjic, Kotor Varoš, Kupres, Modriča, Mostar, Nova Gradiška, Odžak, Ogulin, Osijek, Pakrac, Petrinja, Podravska Slatina, Prijedor, Rogatica, Sanski Most, Sarajevo, Slavonska Požega, Sokolac, Srebrenica, Titova Korenica, Tomislavgrad, Travnik, Vinkovci, Vlasenica, Vukovar, Zenica and Zvornik. Mass graves have also been reported to exist in the county of Bratunac, which was the subject of a previous report and is not covered here.

Notes (continued)

11/ This number will fluctuate as additional information is received by IHRLI.

12/ For a discussion of the mass grave investigation at Pakracka Poljana, see Annex X.B, Mass Graves - Pakračka Poljana, UNPA Sector West, Croatia.

13/ For example, in the Brčko county, many of those buried in mass graves were prisoners of the Serb-run Luka camp. Most of the graves, however, only specified that the people were Luka prisoners, not that the identified perpetrators were Serbs.

14/ For example, if a report noted that 20 civilians were lined up against a wall and killed by automatic weapons fire, the victims would be classified as victims of a mass killing.

15/ An example of a grave which was deliberately concealed is Ovčara, an agricultural complex a few kilometres south of Vukovar. The gravesite at Ovčara is in a field near a dumpster, where the burial grounds are difficult to discover. For a discussion of the site explorations at Ovčara, see Annex X.A, Mass Graves - Ovčara Near Vukovar, UNPA Sector East.

16/ For a more detailed discussion of the policy of "ethnic cleansing", see Annex IV, The Policy of Ethnic Cleansing, and, more specifically, Annex V, The Prijedor Report.

17/ Some of the gravesites in Vukovar county may be an exception to this trend. Croatian civilians, as well as JNA forces, were reported to have registered many victims of the fighting in Vukovar. JNA forces were also said to have dug up bodies previously interred and taken them to for proper autopsy and burial. See the section on Vukovar for a more detailed discussion of these procedures.

18/ For a more detailed discussion of the gravesites in Blagaj, see below.

19/ See Annex IV, The Policy of Ethnic Cleansing, and Annex V, The Prijedor Report.

20/ Id.; see also Annex VIII, Prison Camps.

21/ For a discussion of the prison camps in Bijeljina, see Annex VIII, Prison Camps, paragraphs 462-507. For a discussion of the paramilitary groups operating in the region, see Annex III.A, Special Forces, paragraphs 344-361.

22/ A State Department disclosure asserted that the prewar demographic constitution of Bijeljina reflected a 90 per cent Muslim majority and 10 per cent Serb minority. Declassified Document No. 94-162, US State Department, IHRLI Doc. No. 56832.

23/ The witness recalls that the Arkan-led contingent was clad in black uniforms and stocking caps. Declassified Document No. 94-46, US Department of State, IHRLI Doc. No. 56464. Another report places the number of Arkan's forces at 1,000. Declassified Document No. 94-45, US Department of State,

Notes (continued)

IHRLI Doc. No. 56463; see also, Council for Human Rights and Fundamental Freedoms, Testimonies on Serbian Killing of Civilians in Bosnia-Herzegovina Outside a Combat Context, September 1992, IHRLI Doc. No. 47719-47720.

24/ In order to leave Bijeljina, citizens had to have written permission from the local Serb authorities. This permission was given only upon payment of money. Declassified Document No. 94-46, US Department of State, IHRLI Doc. No. 56833.

25/ Id.

26/ All information in this section is taken from Council of Human Rights and Fundamental Freedoms, Testimonies on Serbian Killing of Civilians in Bosnia-Herzegovina Outside a Combat Context, September 1992, IHRLI Doc. No. 47719-47720.

27/ It is unclear whether the bodies were ultimately dumped in the river, or were interred at a site near the river. The number of bodies also remains uncertain.

28/ The numbers of bodies in the garden graves was not specified, nor was the number of graves dug. Also, that people also buried strangers taken off the street may suggest that greater numbers are buried. Id.

29/ Novo Selo is also recognized under the name "Janja", after the estuary of the Drina which runs through the town.

30/ There was no further information as to the physical makeup of the "disposal site", nor were there details given regarding the location of the site. The refugee who provided the report learned of the use of the animal disposal site through conversations with friends who lived in Novo Selo. Declassified Document No. 94-45, US Department of State, IHRLI Doc. No. 56464.

31/ The exact location of the pits is unspecified, as is whether or not the pits constitute one mass grave. Declassified Document No. 94-46, US Department of State, IHRLI Doc. No. 56832.

32/ Batković is also referred to as "Crnjelovo-Donje".

33/ No further details are known about the transporting of corpses out of Batković camp. At one point, in or around July 1992, the Batković prison camp allegedly held 1,300 prisoners, all but two of whom were male. Declassified Document No. 94-366, US Department of State, IHRLI Doc. No. 62817.

34/ A named officer was reportedly the director of the camp. Declassified Document No. 94-366, US Department of State, IHRLI Doc. No. 62816-62819.

35/ For a discussion of prison camps in Bosanski Brod, see Annex VIII, Prison Camps, paragraphs 605-628. For a discussion of the paramilitary groups operating in the region, see Annex III.A, Special Forces, paragraphs 367-371.

Notes (continued)

36/ The following background information is taken from State Commission on War Crimes, Memorandum on Crimes of Rape of Children, Girls and Women of Serb Nationality in the Bosnia-Herzegovina Village of Novi Grad-Commune of Odzak, in Yugoslav Mission, Crimes of Genocide, Submission to the UN Centre for Human Rights, U.N. Doc. E/CN.4.1993/86 (8 February 1993), IHRLI Doc. No. 12606-12650.

37/ The witness, whose name is redacted here, did not explain what she meant by "in this way". Statement of [Witness], Submission of the Republic of Serbia, 23 September 1992, IHRLI Doc. No. 48597-48598.

38/ The report identified by name a witness to the event, whose name has been redacted from this document.

39/ The perpetrators are known but not named for confidentiality and prosecutorial reasons. Declassified Document No. 94-85, US Department of State, IHRLI Doc. No. 56592.

40/ Helsinki Watch, War Crimes In Bosnia-Herzegovina, Volume II (1993), IHRLI Doc. No. 9341-9343.

41/ The perpetrators are known, but not named for confidentiality and prosecutorial reasons. The person who ordered the killings reportedly wore blue camouflage, and a white patch insignia with four S's.

42/ Concurrent with the mass burial, other villagers were forced from their shelters and put on cargo cars out of the city. Declassified Document No. 94-1, US Department of State, IHRLI Doc. No. 56322.

43/ Helsinki Watch, Field Notes of Dinah PoKempner, 5 August 1993, IHRLI Doc. No. 32329.

44/ All information in this section taken from Supplemental (6th) Submission of the Government of the United States of America to the United Nations (1 March 1993), IHRLI Doc. No. 11893.

45/ A discussion of prison camps located in this county can be found in Annex VIII, Prison Camps, paragraphs 648-658.

46/ Drvar is the county directly south of Bosanski Petrovac. According to a witness interviewed by the US State Department, the Serbians in Drvar helped the Muslims upon their arrival, and were considered to be "good" Serbs. The background information in this section was taken from Declassified Document 94-84, US Department of State, IHRLI Doc. No. 56587-56588.

47/ It is possible that the burials in the graveyard were also mass graves, but because of the lack of information about the site, it is not separately discussed in this report.

48/ Declassified Document No. 94-6, US Department of State, IHRLI Doc. No. 56342-56343.

49/ Declassified Document No. 94-84, US Department of State, IHRLI Doc. No. 56587-56588.

Notes (continued)

50/ For a detailed discussion of the prison camps in Brčko, see Annex VIII, Prison Camps, paragraphs 711-865. Information regarding paramilitary groups operating in this county is contained in Annex III.A, Special Forces, paragraphs 385-403.

51/ Helsinki Watch, War Crimes in Bosnia-Herzegovina, Volume II (1993), IHRLI Doc. No. 9483.

52/ Declassified Document Re: Ethnic Cleansing, Torture and Killings in Brčko, US Department of State, IHRLI Doc. No. 34166. A witness has stated that two bridges were blown up that day. Report 3.2.2.2, Code No. BBR4, Submission of the Austrian Government to the United Nations, 16 April 1993, IHRLI Doc. No. 18212-18213.

53/ These facilities included the Military casern movie hall, the "Laser" bus depot, the Posavina Hotel, the Partizan Sports Complex, the hospital and the city's three mosques. Declassified Document re: Ethnic Cleansing, Torture and Killings in Brčko, US Department of State, IHRLI Doc. No. 34166.

54/ The Luka Camp reportedly remained in operation between May and July of 1992. Helsinki Watch, War Crimes in Bosnia-Herzegovina, Volume II (1993), IHRLI Doc. No. 9489.

55/ Dr. Radovan Karadžić, President of the Serb Republic in Bosnia-Herzegovina, has rejected the accusations that Serbs perpetrated mass killings in Brčko as completely unfounded. Dr. Milan Bulajić, The System of Untruths About the Crimes of Genocide 1991-1993, Serbian Academy of Sciences and Arts (1993), IHRLI Doc. No. 20128.

56/ Declassified Document No. 94-93, US Department of State, IHRLI Doc. No. 56615-56616. A witness interviewed by the State Department related that he, too, had heard rumours that a mass grave was located at the garbage depot, but had no firsthand knowledge about the site. Declassified Document No. 94-222, US Department of State, IHRLI Doc. No. 57050-57052. Another refugee noted there were rumours of a mass grave "near the Brčko-Bijeljina Road, about two to three kilometres from Brčko, near the beginning of Mrčinište". While the report does not specifically identify the site as the city dump, the sites are located on or near the same road. Field Notes of Dinah PoKempner, Helsinki Watch, 5 August 1993, IHRLI Doc. No. 32304.

57/ Declassified Document No. 94-93, US Department of State, IHRLI Doc. No. 56615-56616. Another report describes the Luka Camp itself as being situated at a brick factory. If this report is accurate, then bodies were presumably being buried on-site immediately after they were killed. Submission of the US Mission Regarding Situation in Brčko, 3 November 1993, IHRLI Doc. No. 11351.

58/ It should be noted that no other report makes mention of the cemetery as a possible mass burial site. UN Centre for Human Rights, Report of Zdravko Grebo, 19 November 1992.

Notes (continued)

59/ There are numerous reports which mention a "livestock pen", "chicken farm", "pig farm" and so forth. It is unclear from the report whether all of these reports mean to describe the agricultural complex at Bimex, but for the purposes of this analysis, they are discussed together.

60/ Unless otherwise noted, all information in this paragraph is taken from Declassified Document 94-222, US Department of State, IHRLI Doc. No. 57051-57052.

61/ Witness speculated the substance was some type of pesticide. However, the substance may have been lime. A journalist, whose name is on file with IHRLI, interviewed a witness who was involved in the fighting at Brčko. Journalist (name on file with IHRLI), Interview with [Witness], IHRLI Doc. No. 39142.

62/ This witness also provided directions to the site which were nearly identical to those of the first witness. Declassified Document No. 94-225, US Department of State, IHRLI Doc. No. 57063-57064.

63/ The witness did not state whether all 1,000 persons were buried at Bimex. Declassified Document No. 94-201, US Department of State, IHRLI Doc. No. 56973.

64/ The road apparently runs parallel to the Sava River and is 500 metres away from its bank.

65/ Another report corroborates the existence of a mass grave near the Brčko-Brezovo Polje Road. The report notes that the site is east of the "pig farm", about one kilometre south of the Brčko-Brezovo Polje Road. The site allegedly consists of several filled trenches. Submission of the US Mission Regarding Situation in Brčko, 3 November 1993, IHRLI Doc. No. 11351.

66/ All information in this section was taken from Submission of the US Mission Regarding Situation in Brčko, 3 November 1993, IHRLI Doc. No. 11351.

67/ Submission of the US Mission Regarding Situation in Brčko, 3 November 1993, IHRLI Doc. No. 11351.

68/ The report noted that this activity occurred during the first week of June. The witness, upon whose testimony the report was based, estimated that 1,000 people had been killed at the Luka Camp up to that point. Supplemental (7th) Submission of the Government of the United States of America to the United Nations, U.N. Doc. No. S/25586 (13 April 1993), IHRLI Doc. No. 18254.

69/ The US 7th Submission notes that bodies were dumped into the Sava until at least the first week of June. This report places the stoppage of that activity as earlier in May.

70/ Information in this section taken from Declassified Material re: Body Disposal of Muslims and Croats at Brčko Camp and Kafilerija Farm, US Department of State, 3 August 1993, IHRLI Doc. No. 33746; see also Defence Debriefing Team, Defence Debriefing Team Special Report on Concentration Camps, Submission of the Goverment of the United Kingdom to the United Nations, 30 September 1993, IHRLI Doc. No. 43012.

Notes (continued)

71/ Submission of the US Mission Regarding Situation in Brčko, 3 November 1993, IHRLI Doc. No. 11351.

72/ Declassified Documents re: the Location of the Detention Camp and Kafilerija Farm in Brčko, US Department of State, IHRLI Doc. No. 33775-33776.

73/ Muharem Omerdić, Muslims in Concentration Camps, 29 June 1992, IHRLI Doc. No. 4318.

74/ Trešnjevka, Statement of [Witness], in Report re: Systematic Rape of Women, 28 September 1992, IHRLI Doc. No. 48935.

75/ A discussion of detention facilities in Doboj can be found in Annex VIII, Prison Camps, paragraphs 975-1020. Paramilitary groups also operated in the county. These groups are discussed in Annex III.A, Special Forces, paragraphs 409-410.

76/ The following background information was taken from Helsinki Watch, War Crimes in Bosnia-Herzegovina, Volume II (1993), at 216-217, IHRLI Doc. No. 9508-9509.

77/ It is reported that many women from the county were detained in various facilities and raped.

78/ This information was based on letters received at refugee camps, presumably from individuals in detention. Declassified Document No. 94-377, US Department of State, IHRLI Doc. No. 62489.

79/ Two individuals who reportedly led the irregular forces are known, but their names are not disclosed for confidentiality and prosecutorial reasons.

80/ The report did not reveal the fate of those sent to Doboj in the convoy.

81/ Declassified Document No. 94-377, US Department of State, IHRLI Doc. No. 62849.

82/ Id.

83/ A discussion of the many detention camps in Foča is provided in Annex VIII, Prison Camps, paragraphs 1035-1109. Identified paramilitary groups operating in the county are discussed in Annex III.A, Special Forces, paragraphs 413-420.

84/ Nina Bernstein, "The Home of Hate; Serbs Take Over Muslim Homes In Bosnian Towns", Newsday, 31 August 1993, at 4.

85/ Declassified Document No. 94-356, US Department of State, IHRLI Doc. No. 62781.

86/ Declassified Document No. 94-141, US Department of State, IHRLI Doc. No. 56776-56777.

Notes (continued)

87/ Id.

88/ Id.

89/ A Muslim woman reported that her husband was arrested by Serbs and taken to a concentration camp. She fled to Foča and from an apartment witnessed "the daily ritual of sexual abuse at the Partizan sports centre." Roy Gutman, "A Daily Ritual of Sex Abuse", Newsday, 19 April 1993, at 5.

90/ Id.

91/ It is also alleged that many bodies were thrown into the Drina River. Declassified Document No. 94-218, US Department of State, IHRLI Doc. No. 57040.

92/ John M. Goshko, "U.S. Report Details Atrocities Committed By Bosnian Serbs", The Washington Post, 14 April 1993, at A24.

93/ Declassified Document No. 94-218, US Department of State, IHRLI Doc. No. 57040.

94/ She recognized and identified two of the victims. Their bodies were thrown into the Drina River. She also said that two of the perpetrators were reportedly locals. Id.

95/ This stadium was the site where several Muslim women were raped by uniformed Serb soldiers. Roy Gutman, "A Daily Ritual of Sex Abuse", Newsday, 19 April 1993, at 5.

96/ Declassified Document No. 94-218, US Department of State, IHRLI Doc. No. 57040. See also Supplemental (7th) Submission of the Government of the United States of America to the United Nations (13 April 1993), IHRLI Doc. No. 11914.

97/ A witness, whose name is redacted here, identified by name the seven Muslims who were killed. Declassified Document No. 94-356, US Department of State, IHRLI Doc. No. 62784.

98/ Id.

99/ Information about this gravesite appears in the same report as the information for the "Potato Field" grave. Although the dates and numbers of the Muslims killed are the same, the names of the victims are all different. There is no indication whether these two incidents are related. Declassified Document No. 94-356, US Department of State, IHRLI Doc. No. 62784.

100/ Declassified Document No. 94-356, US Department of State, IHRLI Doc. No. 62784-62785. Two of the Bosnian Serb soldiers are known, but their names are not disclosed for confidentiality and prosecutorial reasons.

101/ The names of all the victims, which were provided in the report, have been redacted here. Id.

Notes (continued)

102/ Declassified Document No. 94-356, US Department of State, IHRLI Doc. No. 62784-62785.

103/ Declassified Document No. 94-142, US Department of State, IHRLI Doc. No. 56785.

104/ Id.

105/ Some of the victims were identified by name. Declassified Document No. 94-142, US Department of State, IHRLI Doc. No. 56787.

106/ Information in this section is taken from Declassified Document No. 94-142, US Department of State, IHRLI Doc. No. 56787-56788, and Declassified Document No. 94-141, US Department of State, IHRLI Doc. No. 56779.

107/ Id.

108/ It is also alleged that the Serbs killed a family in the forest by throwing several hand grenades in the dugout where they lived, killing the family of four women and three children. The seven people killed were identified in the report, but their names have been redacted here. Declassified Document No. 94-265, US Department of State, IHRLI Doc. No. 57192.

109/ The report also notes that there is photographic documentation of this incident. This documentation is not currently in the possession of IHRLI. Republic of Srpska, Crimes Against Serb People Committed on the Territory of the Republic of Srpska, Submission of the Republic of Serbia to the United Nations (25 October 1992), IHRLI Doc. No. 5021.

110/ This report also has information on an incident in which captured Muslims were thrown into the Bezdanica gap. The report is unclear as to whether this is a mass grave. BiH Armed Forces, Statement of [Witness], IHRLI Doc. No. 39465A.

111/ Id.

112/ The witness' name is redacted here. BiH, State Commission on War Crimes, Statement of [Witness] (English translation), 1992, IHRLI Doc. No. 29282.

113/ For an overview of identified prison camps in Gacko, see Annex VIII, Prison Camps, paragraphs 1116-1153. For a discussion of the activities of Šešelj's units in the county, see Annex III.A, Paramilitary Report, paragraphs 421-427.

114/ Declassified Document No. 94-91, US Department of State, IHRLI Doc. No. 56611.

115/ Id.

116/ Id.

Notes (continued)

117/ All background information in this section taken from ECMM, Weekly Activity Report, January 1993, IHRLI Doc. No. 5893.

118/ Id.

119/ Id.

120/ It is unclear from the report whether the hotel basement prison referred to in this document is the same Rudnik hotel basement mentioned in the ECMM submission. Supplemental (Sixth) Submission of the Government of the United States of America to the United Nations, U.N. Doc. S/25393 (10 March 1993), IHRLI Doc. No. 18363.

121/ Id.

122/ It is unclear whether the testimonies contained in the ECMM and US Department of State submissions are referring to the same disappearances and killings or whether they are entirely separate incidents. Id.

123/ Declassified Document No. 94-126, US Department of State, IHRLI Doc. No. 57035.

124/ Id. The Gatačko field may be a different grave than the one mentioned in the other testimonies involving Gacko. The ECMM witness stated that the bodies were buried behind the Partisan Cemetery. The area behind the Partisan Cemetery may be the Gatačko field. If this is the case, then it is highly likely that the two witnesses are speaking about the same grave.

125/ Declassified Document No. 94-91, US Department of State, IHRLI Doc. No. 56611.

126/ Dan deLuce, "U.N. Says Croatian Army Razed Serb Villages", Reuters, 17 September 1993.

127/ Sherry Ricchiardi, "Civilians Become Bargaining Chips in Balkan War's Unremitting Terror", St. Louis Post-Dispatch, 18 September 1993, at 5B.

128/ Dan deLuce, "U.N. Finds Scorched Bodies in Serb Village", Reuters, 17 September 1993.

129/ "Croats Kill Serb Civilians, U.N. Says", Reuters, 19 September 1993.

130/ For details regarding the autopsy reports and the subsequent conclusions of PHR, see Physicians for Human Rights, Report of a Medicolegal Investigation in the Medak Pocket, former Yugoslavia from 27 to 29 October 1993, 10 January 1994, IHRLI Doc. No. 62592-62597.

131/ For a detailed discussion of identified detention facilities in Ključ, see Annex VIII, Prison Camps, paragraphs 1242-1258.

Notes (continued)

132/ One report stated that according to ethnic groups, Serbs formed the majority with 18,425 people, but non-Serbians (Muslim and "others") formed the total majority with 18,797 people. Croatian Information Centre, Genocide: Ethnic Cleansing in Northwestern Bosnia (Ante Beljo ed., 1993), at 7, IHRLI Doc. No. 39894.

133/ Among these military and paramilitary formations were groups from the so-called "Republic of Serbian Krajina", Martić units, the White Eagles (Beli Orlovi), Arkan units, Šešelj units and other armed Serbian units. Croatian Information Centre, Genocide: Ethnic Cleansing in Northwestern Bosnia (Ante Beljo ed., 1993), at 9, IHRLI Doc. No. 39896.

134/ As a representative example, on 29 May 1992, regular Yugoslav Army (JNA) forces began a siege of the village of Sanica Donja, near Ključ. The Muslims surrendered on about 31 June. The Serbs entered Sanica Donja again on about 3 July, and started at one end of the village and proceeded from house to house, taking all the men hostage. This process was repeated in most, if not all, of the villages of Ključ. A more detailed summary of military action can be found with specific grave locations discussed below. Declassified Document No. 94-37, US Department of State, IHRLI Doc. No. 56440.

135/ Croatian Information Centre, Genocide: Ethnic Cleansing in Northwestern Bosnia (Ante Beljo ed., 1993), at 8, IHRLI Doc. No. 39895.

136/ Reportedly, many bodies were also thrown into the Sana River, or devoured by starving dogs and ravens. Croatian Information Centre, Genocide: Ethnic Cleansing in Northwestern Bosnia (Ante Beljo ed., 1993), at 8, IHRLI Doc. No. 39895.

137/ IHRLI Doc. No. 39907.

138/ Prhovo is located approximately 10 kilometres west of Ključ.

139/ It was reported that the destruction of the village was ordered and carried out under the direction of Major Samardžija. It is also believed that he knew of the mass killing and ordered the burial. Declassified Document No. 94-78, US Department of State, IHRLI Doc. No. 56568-56569.

140/ Croatian Information Centre, Statement XVI, Genocide: Ethnic Cleansing in Northwestern Bosnia (Ante Beljo ed., 1993), at 75, IHRLI Doc. No. 39961. See also Declassified Document No. 94-78, US Department of State, IHRLI Doc. No. 56568-56569.

141/ Declassified Document No. 94-78, US Department of State, IHRLI Doc. No. 56568-56569.

142/ Id.

143/ Her list of some of those killed included 18 persons, whose names are redacted. Her list of some of the alleged perpetrators included 14 persons, whose names have also been redacted. Croatian Information Centre, Genocide: Ethnic Cleansing in Northwestern Bosnia (Ante Beljo ed., 1993), at 75-76, IHRLI Doc. No. 39961-39962.

Notes (continued)

144/ This report appears to be discussing the same incident that the Muslim woman reported, as the list of 53 people killed contained in this report contains the same names that she gave. Declassified Document No. 94-357, US Department of State, IHRLI Doc. No. 62787-62788.

145/ Id.

146/ To the west of the site stood another house. Declassified Document No. 94-357, US Department of State, IHRLI Doc. No. 62786-62789.

147/ Id.

148/ Id.

149/ Id.

150/ Velagići was renamed "Ravna Gora" by local Serbian authorities in June 1992. Declassified Document No. 94-37, US Department of State, IHRLI Doc. No. 56445.

151/ Supplemental (7th) Submission of Government of the United States of America to the United Nations, U.N. Doc No. S/25586 (13 April 1993), IHRLI Doc. No. 11944.

152/ The men were identified in the report, but their names are not disclosed for confidentiality and prosecutorial reasons.

153/ Id.

154/ Id.

155/ Id.

156/ The same bulldozer, or one similar to it, that was observed in a town called "Večagići" was also seen in Biljani (discussed below) digging a mass grave. Declassified Document No. 94-37, US Department of State, IHRLI Doc. No. 56446. See also Declassified Document No. 94-17, US Department of State, IHRLI Doc. No. 56378.

157/ Declassified Document No. 94-37, US Department of State, IHRLI Doc. No. 56446.

158/ Id.

159/ Unless otherwise noted, the following information about mass graves in Biljani was reported in Declassified Document No. 94-17, US Department of State, IHRLI Doc. No. 56378.

160/ It is believed that the meeting hall is the largest building in the village.

161/ The same bulldozer, or one similar to it, was also observed in the village of Večagići, although no digging or corpses were seen in Večagići.

Notes (continued)

162/ Declassified Document No. 94-20, US Department of State, IHRLI Doc. No. 56388.

163/ It is unclear whether both reports refer to the same burial, or if two burials actually took place.

164/ Declassified Document No. 94-20, US Department of State, IHRLI Doc. No. 56388.

165/ The date is thought to be sometime between 29 May and 3 June 1992.

166/ Declassified Document No. 94-20, US Department of State, IHRLI Doc. No. 56387.

167/ Id.

168/ The following information about mass graves in the village of Bijana in Ključ county was reported in Unidentified Personal Testimony, 7 August 1992, IHRLI Doc. No. 48879.

169/ It is believed that, in addition to the 120 people killed, there are some people who were taken to a concentration camp in Srnetiči.

170/ The names of perpetrators were provided in the report, but have been redacted here.

171/ The report does not specify the date of the incident.

172/ For example, the Džaferagiči family was burned to death in their house.

173/ For a discussion of the activities of Arkan's men and other paramilitary groups in Konjic, see Annex III.A, Special Forces, paragraphs 436-444.

174/ Reportedly, Bradina was renamed "Donji Repovci" on 13 July 1992. Annex IV: A New Genocide Against Serbs in Konjic Area, Submission of the Government of the Federal Republic of Yugoslavia to the United Nations (2 July 1993), IHRLI Doc. No. 28777.

175/ The village was attacked again on 13 July, the day the village was renamed. The remaining Serb houses were burned, and a small number of villagers were detained in the Elementary school building. According to one report, many women were raped the evening of the 13 July. Id.

176/ One report identified persons who participated in the attack. Their names have been redacted here. Id. at Case I-075, IHRLI Doc. No. 28449-28450.

177/ Detention facilities included Čelebiči camp, Konjic Sports Hall, Bradina Elementary School and the prison.

Notes (continued)

178/ Two of the three reports on which this section is based were submitted by the Government of the Federal Republic of Yugoslavia. Two of the reports, one of which alleges that 52 Serbs were killed, identify 44 victims by name. See Annex IV, IHRLI Doc. No. 28778-28782, and Annex IV, Case No. I-075, IHRLI Doc. No. 28449-28450.

179/ See Annex IV, IHRLI Doc. No. 28778-28782 (23 Serbs buried); Annex IV, Case No. I-075, IHRLI Doc. No. 28449-28450 (23 Serbs buried); Submission of the Government of Germany to the United Nations, 6 January 1993, IHRLI Doc. No. 5459-5460 (57 Serbs buried).

180/ Id.

181/ For a discussion of prison camps in Kotor Varoš, see Annex VIII, Prison Camps, paragraphs 1336-1366.

182/ Society for Threatened Peoples, Ethnic Cleansing: Genocide for Greater Serbia (T. Zulch ed.), IHRLI Doc. No. 14483.

183/ Supplemental (4th) Submission of the Government of the United States of America to the United Nations, U.N. Doc No. S/24918 (8 November 1992), IHRLI Doc. No. 3166. See also Lyndsay Griffiths, "U.S. Releases New Report on Rights Abuses in Bosnia", Reuters, 7 December 1992.

184/ Although the witness says that he "had to" put the corpses into body bags, it is unclear whether he was actually forced to by Serbs or did so voluntarily. Id.

185/ Id.

186/ Zenica Centre for Research, List of the Places of Mass Execution and Commune Graveyards in the Republic of Bosnia-Herzegovina, August - September 1993, IHRLI Doc. No. 42600-42601.

187/ Id.

188/ Id.

189/ In this report, the location of the mass grave is reportedly "Donji Varoš". It appears to be the same location. Society for Threatened Peoples, Ethnic Cleansing: Genocide for Greater Serbia (T. Zulch ed.), IHRLI Doc. No. 14483.

190/ Id.

191/ Id.

192/ Bosnia Action Committee, Report on Atrocities Committed in Bosnia-Herzegovina, 4 February 1993, IHRLI Doc. No. 9781.

193/ For a discussion of the activities of Šešelj's men in Kupres, see Special Forces, Annex III.A, paragraphs 445-446.

Notes (continued)

194/ The following background information is taken from V. Hadživuković, M. Ivanišević and D. Tanasković, Chronicle of an Announced Death (1993), IHRLI Doc. No. 37507.

195/ It is not clear from the report whether those found in the mass grave were among the 52 killed in Kupres. Submission of the Government of Germany to the United Nations, 6 January 1993, IHRLI Doc. No. 5450.

196/ Annex: Information Transmitted by France to the Security Council, Submission of the Government of France to the United Nations, U.N. Doc. No. S/24678 (5 November 1992), IHRLI Doc. No. 1332.

197/ Chronicle of an Announced Death (1993), IHRLI Doc. No. 37507.

198/ The location of Kupres field was not provided in the report. Department of Information and Research of the Ministry of Health of the Republic of Croatia (hereinafter DIMH), Serbian War Crimes in Bosnia and Herzegovina: Ethnic Cleansing of Croats from Northern Bosnia (Posavina) and North-Western Bosnia (Krajina), 5 September 1993, IHRLI Doc. No. 36702.

199/ For a discussion of camps in Modriča, see Annex VIII, Prison Camps, paragraphs 1415-1425. For information regarding paramilitary activity in the county, see Annex III.A, Special Forces, paragraphs 451-454.

200/ All information in this section was taken from Declassified Document No. 94-72, US Department of State, IHRLI Doc. No. 56552-56553.

201/ According to the report, the brigade consisted of about 500 volunteers and two Croatian Army officers. Most of their ammunition consisted of old JNA stock. The brigade was subordinate to an unidentified Croatian corps from Croatia.

202/ The refugee who provided the information was a member of the voluntary brigade and speculated that the Serbs forbade burials to intimidate the local population into submission or flight.

203/ The policemen were later shot to death. Id.

204/ Council of Human Rights and Fundamental Freedoms, Testimony V, Testimonies on a Serbian Killing of Civilians in Bosnia-Herzegovina Outside a Combat Context, September 1992, IHRLI Doc. No. 47711-47712.

205/ The report did not state whether the bodies in the cement pit were given a proper burial. Declassified Document No. 94-72, US Department of State, IHRLI Doc. No. 56552-56553.

206/ For a discussion of paramilitary groups operating in Mostar, see Annex III.A, Special Forces, paragraphs 455-463, and Annex VIII, Prison Camps, paragraphs 1426-1467, for information on detention facilities in the county.

207/ Roy Gutman, "Croat Cleansing: Freed Muslims Tell of Brutality by Their Former Allies", Newsday, 23 July 1993, at 9.

Notes (continued)

208/ Chuck Sudetic, "In Mostar's Muslim Area, 35,000 Endure in Rubble", The New York Times, 30 September 1993.

209/ Roy Gutman, "Croat Cleansing: Freed Muslims Tell of Brutality by Their Former Allies", 23 July 1993, Newsday, at 9.

210/ IHRLI Doc. No. 62824; Amnesty International, Bosnia-Herzegovina, Gross Abuses of Basic Human Rights, October 1992, at 34-35, IHRLI Doc. No. 3535-3536.

211/ Declassified Document No. 94-47, US Department of State, IHRLI Doc. No. 56467-56468.

212/ The order to conduct this separation was allegedly given by Milan Skoro, the Chief of Police in Zalik. Id.

213/ Id.

214/ Id.

215/ According to a witness, one of the interrogators wore the insignia of the Beli Orlovi. Amnesty International, Bosnia-Herzegovina, Gross Abuses of Basic Human Rights, October 1992, at 34-35, IHRLI Doc. No. 3535-3536.

216/ Id.

217/ Id.

218/ Id.

219/ Amnesty International reports that at this point, the witness' story contradicts itself. In his written statement to Amnesty (as well as in the State Department report), witness says he received two bullet wounds. However, in an article published in a Zagreb newspaper, he stated, "I was not hit by a bullet but my leg hurt terribly because of the beating". Amnesty International, Bosnia-Herzegovina, Gross Abuses of Basic Human Rights, October 1992, at 34-35, IHRLI Doc. No. 3535-3536.

220/ It is unclear whether the enbankment was that of the landfill.

221/ The witness does not include this information in his statement to Amnesty International. Declassified Document No. 94-45, US Department of State, IHRLI Doc. No. 56467-56468.

222/ Id.

223/ Another report says that 26 civilians were found at the "Mostar garbage depot". This seems to refer to Sutina, since the date of the incident is listed as 26 June 1992. The civilians, according to the report, were from the villages of Zalići and Vrapčići. International Society for Human Rights, British Section, Human Rights and Serbia: Report 2 - Ethnic Cleansing - New Information On Human Rights Violations, 28 May - 2 July 1992, IHRLI Doc. No. 9221.

Notes (continued)

224/ It is possible that Croatian troops discovered the mass grave at Sutina. An article in The St. Petersburg Times, 31 August 1992, stated that Croatian troops dug up mass graves containing some 200 mostly Muslim civilians who were reportedly shot by Serb irregulars in June 1992 The article mentioned pathologist Omar Kadić, who stated that almost all the corpses had been shot at close range with automatic weapons, as the Mazowiecki report noted. The victims ranged in age from 20-70. A few Croatian women were found at the site, but most of the corpses were middle-aged or elderly Muslim men. "Shelling of Marketplace Kills 15, Injures Dozens in Sarajevo", The St. Petersburg Times, 31 August 1992.

225/ T. Mazowiecki, Report on the Situation of Human Rights in the Territory of the Former Yugoslavia", U.N. Doc. No. E/CN.4/1993/50 (10 February 1993), IHRLI Doc. No. 1335.

226/ Id.

227/ Defence Debriefing Team, Summary of Atrocity Information, Submission of the Government of the United Kingdom to the United Nations (30 September 1993), IHRLI Doc. No. 43307.

228/ However, the report may be referring to the "Uborak" landfill, since that site was not excavated until August. Id. For a discussion of the Uborak site, see below.

229/ Unless otherwise noted, all information in this section was taken from Declassified Document No. 95-46, US Department of State, IHRLI Doc. No. 56469-56470.

230/ Four of the victims were identified in the report, but their names are redacted here.

231/ However, one report notes that 88 corpses were found at Vrapčići and 28 persons were shot dead at Sutina and buried at Uborak. This would suggest that the 88 who were thought to be buried at Uborak are actually in an independent grave. It might also suggest that Sutina is the name of the district in which the Uborak landfill sits, and that there is no landfill called Sutina. Zenica Centre for Research, List of Places of Mass Executions and Commune Graveyards in the Republic of Bosnia-Herzegovina, August - September 1993, IHRLI Doc. No. 42601.

232/ The article did not state whether the graves were individual or collective. Charles Lane, "A Muslim Town's Long Nightmare", Newsweek, 6 September 1993.

233/ Zenica Centre for Research, List of Places of Mass Executions, IHRLI Doc. No. 42601.

234/ Roy Gutman, "Croat Cleansing: Freed Muslims Tell of Brutality by Their Former Allies", Newsday, 23 July 1993, at 9.

235/ Id.

Notes (continued)

236/ "Bosnians, Croatians Battle on Supply Line", The Chicago Tribune, 9 October 1993, at 6, IHRLI Doc. No. 35962.

237/ Id.

238/ Id.

239/ Jeff Kramer, "A Westside Photographer Traveled to Bosnia-Herzegovina to Capture the Fighting: What He Saw Was Genocide", The Los Angeles Times, 1 October 1992, at 1.

240/ Id.

241/ Id.

242/ Defence Debriefing Team, Special Report on Mass Graves, Annex E, Submission of the Government of the United Kingdom to the United Nations, 25 March 1994, IHRLI Doc No. 63817.

243/ Detention facilities in Nova Gradiška are discussed in Annex VIII, Prison Camps, paragraphs 3090-3110.

244/ International Human Rights Law Group, Testimony of [Witness], IHRLI Doc. No. 6214-6215.

245/ Id.

246/ Id.

247/ Declassified Document No. 94-169, US Department of State, IHRLI Doc. No. 56860.

248/ All of the witness' personal data is available at International Human Rights Law Group, Testimony of [Witness], IHRLI Doc. No. 6214.

249/ Id.

250/ Id.

251/ Id.

252/ "Macedonia Moves to Split from Yugoslavia", The Chicago Tribune, 20 December 1991, at 26.

253/ The arrests were reportedly carried out by three known perpetrators whose names are not disclosed for confidentiality and prosecutorial reasons.

254/ One man reportedly survived and was taken to Nova Gradiška detention camp. His fate thereafter is unknown. Id.

Notes (continued)

255/ The report states that all of the victims were buried in the mass grave. However, the victims are listed in two separate groups, so it is unclear if the victims in both groups are in the mass grave. Their names are provided in the source documentation, but have been redacted here. Ten additional victims are believed to have been set on fire in the house of Branko Miletić. Id.

256/ The report of this gravesite was based on the testimonies of three individuals, whose names are kept confidential, and who were detained in the Kerestinec camp. These testimonies are not currently in the possession of IHRLI. In addition, the report notes that there is a VHS tape of the incident, prepared by the Croatian forces responsible for the attack and subsequent killings. Case II-021, Submission of the Government of the Federal Republic of Yugoslavia to the United Nations, U.N. Doc. No. YU/SC 780-92/DOC-1/E (3 November 1992), IHRLI Doc. No. 1393.

257/ See Annex VIII, Prison Camps, paragraphs 1478-1506, for a discussion of detention facilities in Odžak, and Annex III.A, Special Forces, paragraphs 467-474, for a discussion of paramilitary groups operating in the region.

258/ Some of these detainees were shipped in the direction of Bosanski Brod on 1 July 1992.

259/ The detention facility in Poljari was located in a primary school.

260/ Information on the Aggression of the Republic of Croatia against the Serbian Republic and Genocide against the Serbs in the former Bosnia-Herzegovina, Submission of the Government of the Federal Republic of Yugoslavia to the United Nations (27 November 1992), IHRLI Doc. No. 48418.

261/ See Annex VIII, Prison Camps, paragraphs 3113-3125, for a discussion of detention facilities located in Ogulin.

262/ All preceding information was taken from Memorandum of Human Rights Abuse of Peaceful Serbian Community in Gorski Kotar, Croatia, Submission of the Government of the Federal Republic of Yugoslavia to the United Nations (2 February 1992), IHRLI Doc. No. 2989-2992.

263/ Memorandum on Violations of Human Rights in the Serb Community of Gorski Kotar, Croatia, Submission of the Government of the Federal Republic of Yugoslavia to the United Nations (24 May 1993), IHRLI Doc. No. 23480.

264/ See Annex III.A, Special Forces, paragraphs 624-629, for a discussion of the activities of Arkan's men and other paramilitary groups in Osijek. See Annex VIII, Prison Camps, paragraphs 3126-3140, for information on identified detention facilities in the county.

265/ Croatian Information Centre, Weekly Bulletin No. 18, 6 December 1993, IHRLI Doc. No. 53131.

266/ Amnesty International, Yugoslavia: Torture and Deliberate and Arbitrary Killings in War Zones, November 1991, IHRLI Doc. No. 50167.

Notes (continued)

267/ Croatian Information Centre, Weekly Bulletin No. 18, 6 December 1993, IHRLI Doc. No. 53131.

268/ One report alleges that as many as 1,500 civilians were killed during the first week of fighting in Dalj. Amnesty International, Yugoslavia: Torture and Deliberate and Arbitrary Killings in War Zone, November 1991, IHRLI Doc. No. 50167.

269/ Three accounts say 25 bodies were taken to the hospital, a fourth says 22 were transported.

270/ Bacre Waly Ndiaye, Report on the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Bacre Waly Ndiaye, on his Mission to the Former Yugoslavia from 15 to 20 December 1993, IHRLI Doc. No. 4814. Other accounts place the number of bodies in the grave at 18. See Amnesty International, Yugoslavia: Torture and Deliberate and Arbitrary Killings in War Zone, November 1991, IHRLI Doc. No. 50167. One account alleges 35 persons. Croatian Information Centre, Weekly Bulletin No. 18, 6 December 1993, IHRLI Doc. No. 53131. Finally, another says several hundred are buried there. Report on Mass Graves in UNPROFOR Sector East, Submission of the Government of the Republic of Croatia to the United Nations, U.N. Doc. No. S/25129 (20 January 1993), IHRLI Doc. No. 4935.

271/ The date of the attack on Ernestinovo was not specified in any of the reports.

272/ Croatian Red Cross, Mass Graves Map and Ernestinovo (16 November 1992) and Croatian Red Cross (Osijek) Memorandum to UNPROFOR, No. 274/1992, 13 April 1993, IHRLI Doc. No. 19780.

273/ Alleged victims buried in this pit, whose names are redacted here, included both soldiers and civilians. Id.

274/ Those buried in other graves were also identified in the report. Id.

275/ Croatian Red Cross, Report on Mass Graves in UNPROFOR Sector East, 9 December 1992, IHRLI Doc. No. 3994.

276/ Binz' allegation that the graves were sanitary remains to be reconciled with the Red Cross report that many of the bodies were naked or buried with cattle. Morris Tidball Binz, Forensic Report on Preliminary Investigations of Mass Graves in the former Yugoslavia, 11 January 1993, IHRLI Doc. No. 18997-18999 (with accompanying photographs and illustrations).

277/ The names of the victims were provided in the report, but have been redacted here.

278/ The location of the bridge was not provided in the report.

279/ An autopsy was performed on the body, which was identified in the report. The listed causes of death were "cuts on the neck and face, both palms, scalp taken off the skull". Dr. Predrag Delibašić, Medical Report on Causes of Deceased, Trpinja, 20 December 1991, IHRLI Doc. No. 50364.

Notes (continued)

280/ All information, including a list of those killed and an autopsy report of one of the victims is taken from UNCIVPOL, Mass Grave - Vladislavci - Čepin, 6 November 1992, IHRLI Doc. No. 50357-50364.

281/ A more detailed discussion of camps in Pakrac county can be found in Annex VIII, Prison Camps, paragraphs 3143-3164.

282/ A separate report, without making mention of detention facilities, alleged that the Croatian Army massacred approximately 150 civilians in Pakracka Poljana in November of 1991. No other details regarding the killing were provided. Corell, Report Rapporteurs under the Moscow Human Dimension Mechanism to Croatia, 9/30/92 - 10/5/92, 7 October 1992, IHRLI Doc. No. 276V-276W.

283/ Unless otherwise noted, the following background information is taken from Serbian Council Information Centre, Death Camps and Mass Graves in Western Slavonia: Marino Selo and Pakracka Poljana, 19 August 1993, IHRLI Doc. No. 46326.

284/ The camp at Marino Selo was situated in a hotel. Prisoners were kept in the cellar.

285/ The report places the date of the killings at December 1991.

286/ Serbian Council Information Centre, Death Camps and Mass Graves in Western Slavonia: Marino Selo and Pakracka Poljana, 19 August 1993, IHRLI Doc. No. 46326.

287/ The Serbian Council Information Centre said that one of the gravesites was reopened and the bodies moved as recently as 13 May 1993, but the report did not specify which site. Serbian Council Information Centre, Death Camps and Mass Graves in Western Slavonia: Marino Selo and Pakracka Poljana, 19 August 1993, IHRLI Doc. No. 46326. According to the Government of the Federal Republic of Yugoslavia, EC monitors and the Red Cross never visited the camps. Document No. VI-026, Second Report Submitted To the Commission of Experts, Belgrade 1993, Submission of the Government of the Federal Republic of Yugoslavia to the United Nations (2 July 1993), IHRLI Doc. No. 28596-28597. Canada has also received information relating to the detention and killing of Serbs in the region. Incident 4.1, First Submission of the Government of Canada to the United Nations (12 March 1993), IHRLI Doc. No. 12780.

288/ This man, who provided a deposition to the Serb Council Information Centre, is not identified in this report. Unless otherwise noted, all information in this section is taken from a transcript of the man's deposition. Serbian Council Information Centre, Deposition Transcript of [Witness], Death Camps and Mass Graves in Western Slavonia; Marino Selo and Pakracka Poljana, 15 August 1993, IHRLI Doc. No. 46329.

289/ The prisoners were identified in the statement, but their names have been redacted here.

290/ The men were identified in the transcript, but their names have been redacted here.

Notes (continued)

291/ It appears from the report that more than the four prisoners who were taken out on 19 November were killed. One had died on 18 November after a heavy beating and a forced cold shower. Another was beaten to death on 20 November 1991.

292/ It should be noted that the witness alleged earlier in his statement that after the one prisoner died on 18 November, his body was "driven off somewhere" by a guard.

293/ The witness also mentioned that the body of another prisoner was buried downstream. It appears from the report that he was buried alone. The statement makes no mention of how the man died, but does state that both of his ears were cut off.

294/ The two witnesses were detained at the Ribarska Koliba camp. Each provided a statement to the Serbian Council Information Centre. Unless otherwise noted, information in this section is taken from both deposition transcripts. Serbian Council Information Centre, Deposition Transcript of [Witnesses], 18 December 1991, Death Camps and Mass Graves in Western Slavonia: Marino Selo and Pakracka Poljana, IHRLI Doc. No. 46330.

295/ Serbian Council Information Centre, Deposition of [Witness] dated April 15, 1992, Death Camps and Mass Graves in Western Slavonia: Marino Selo and Pakracka Poljana, 15 August 1993, IHRLI Doc. No. 46335.

296/ As discussed earlier, the camp at Marino Selo was housed in a hotel. It is unclear whether the garbage pit referred to here is located behind the hotel where the Serbian prisoners were detained.

297/ Morris Tidball Binz, Forensic Report on Preliminary Investigations of Mass Graves in the Former Yugoslavia, 11 January 1993, IHRLI Doc. No. 18999-19001 (with accompanying photographs and illustrations).

298/ One of the witnesses gave a written statement to UNCIVPOL which is similar in substance to that given to the Serbian Council Information Centre.

299/ This sketch does not illustrate the pit alleged to be situated at the hotel garbage dump. UNCIVPOL, Draft Drawing of the Location of Some Graves of Ethnic Serbs Murdered by the Fish Pond in Marino Selo (Detail 1), IHRLI Doc. No. 53184.

300/ UNCIVPOL, Memo from Sgt. Jone Blikra, UNCIVPOL Daruvar, to Mr. Cherniavsky, Civil Affairs Sector West, 26 October 1992, IHRLI Doc. No. 50368.

301/ All information in this section taken from Morris Tidball Binz, Forensic Report on Preliminary Investigations of Mass Graves in the Former Yugoslavia, 11 January 1993, IHRLI Doc. No. 18999-19001 (with accompanying photographs and illustrations).

302/ Binz' report also noted that the names of most of the victims buried at the mass graves in Marino Selo are known, but did not indicate who is in possession of the information.

Notes (continued)

303/ Major J. Holland & Major P. Olson, Office of the Judge Advocate General, Canadian Forces, Interim Report of War Crimes Investigation Team for Pakracka Poljana, Croatia, IHRLI Doc. No. 62445-62467.

304/ Until otherwise noted, information in this section is taken from D.W. Nicholson, Complaint of Missing Person & Mass Grave - Between Poljana Pakracka and Gaj, 18 February 1993, IHRLI Doc. No. 12891-12892.

305/ A person who is "in a powerful position in the Croatian government" was said to be responsible for the roundup, killing and subsequent burial of the civilians.

306/ See generally W.J. Fenrick, Investigation of Grave Sites Near Pakracka Poljana, Report Concerning On-Site Investigations in Croatia - October - November 1993, 10 February 1994, IHRLI Doc. No. 62423-62438 (broad overview of the mission and conclusions drawn from the investigation); Major J. Holland & Major P. Olson, Office of the Judge Advocate General, Canadian Forces, Interim Report of War Crimes Investigation Team for Pakracka Poljana, Croatia, IHRLI Doc. No. 62445-62467 (detailed discussion of the investigation's findings, summary of investigative procedures at the sites and surrounding areas and maps of the area); S. Murray-Ford & Sergeant J.L. Lamothe, Canadian Forces Military Police, Investigation Report Regarding Mass Graves - Pakracka Poljana, 30 November 1993, IHRLI Doc. No. 62468-62483 (day-by-day chronology of the team's activities and findings); Physicians for Human Rights, Report of A Preliminary Medicolegal Investigation of a Series of Clandestine Graves Near Pakracka Poljana, Former Yugoslavia, 25 January 1994, IHRLI Doc. No. 62484-624572 (detailed discussions of forensic information retrieved from each exhumed grave and autopsy reports for all bodies).

307/ D.W. Nicholson, Complaint of Missing Person & Mass Grave - Between Poljana Pakracka and Gaj, 18 February 1993, IHRLI Doc. No. 12891-12892.

308/ Fenrick, On-Site Report, at 7/16, IHRLI Doc. No. 62429.

309/ Murray-Ford & Lamothe, Investigation Report, IHRLI Doc. No. 62469.

310/ Holland & Olson, Interim Report of WCIT, at 15/15, IHRLI Doc. No. 62459.

311/ Id.

312/ Murray-Ford & Lamothe, Investigation Report, 30 November 1993.

313/ D.W. Nicholson, Complaint of Missing Person & Mass Grave - Between Poljana Pakracka and Gaj, 18 February 1993, IHRLI Doc. No. 12891-12892.

314/ Holland & Olson, Interim Report of WCIT, at 15/15, IHRLI Doc. No. 62459.

315/ For a detailed sketch of the layout of Site C, the positioning of the 23 trenches, and the other excavations done on-site, see Holland & Olson, Interim Report of WCIT, IHRLI Doc. No. 62462.

316/ The two bodies appeared to be in military uniform.

Notes (continued)

317/ The WCIT did not speculate in its report as to the reason that feature 10 was chosen as a burial site amongst 23 military trenches.

318/ The only identifying characteristic left on the skeletal remains was a pair of cowboy boots.

319/ WCIT also did a thorough investigation of the surrounding areas, including a forested area near the railway tracks, the area of the soccer field and railway station, and an area near the airfield. These were all reported to be possible gravesites, but no evidence of burial sites were found. Id.

320/ Holland & Olson, Interim Report of WCIT, at 12/15, IHRLI Doc. No. 62456. Numerous pieces of physical evidence were also retrieved from the gravesites. All but one of these items (an Italian coin) was preserved, recorded and marked for chain of custody purposes.

321/ All information in this paragraph taken from Fenrick, On-Site Report, IHRLI Doc. No. 62423-62438.

322/ Fenrick also noted that the allegation of 1,700 bodies, contained in a report by the Serbian Council Information Centre in August 1993, may have originated with Nicholson's calculation from his first on-site inspection, and did not constitute an independent allegation. Fenrick, On-Site Report, at 8/16, IHRLI Doc. No. 62430.

323/ Interestingly, this period also corresponds with the time that Serbs were allegedly imprisoned and killed while detained at Marino Selo and Stara Ciglana.

324/ Physicians for Human Rights, Report of A Preliminary Medicolegal Investigation of a Series of Clandestine Graves Near Pakracka Poljana, Former Yugoslavia, 25 January 1994, at 1, IHRLI Doc. No. 62486.

325/ See Annex VIII, Prison Camps, paragraphs 3165-3170, for a discussion of identified detention facilities in Petrinja, and Annex III.A, Special Forces, paragraphs 634-638, for an overview of paramilitary activity in the county.

326/ Submission of the Republic of Croatia to the United Nations, 14 September 1993, IHRLI Doc. No. 42287; see also Supplemental (6th) Submission of the Government of the United States of America to the United Nations, 12 March 1993, IHRLI Doc. No. 11900.

327/ The location of what appear to be the villages of Župić and Nebojan was not clarified. The location of the Gavrilović vineyards is also unspecified.

328/ The witness identified four victims, one of whom was a civilian. The witness also reported that all Serbs were in camouflage uniforms. Serbian War Crimes in Bosnia and Herzegovina: Ethnic Cleansing of Croats from Northern Bosnia (Posavina) and North-Western Bosnia (Krajina), Submission of the Government of the Republic of Croatia to the United Nations (14 September 1993), IHRLI Doc. No. 42915.

Notes (continued)

329/ The witness did not clarify how many survivors there were, nor did he state whether there were any persons alive who could not walk.

330/ Inconsistencies in the witness' report appear when the Serbs noticed that he and another Croat, identified as "I.C.", were still alive (the witness also recalls another wounded person, "M.A", who told the witness that he could not help the witness stand). Apparently paying little attention to them, the Serbs moved on to the cottage, at which point the witness "saw that there was nobody but me" and proceeded to move along the hill. The fates of "M.A." and "I.C." are not known. Id., IHRLI Doc. No. 42915.

331/ All of the information in this section is taken from Declassified Document No. 94-81, US Department of State, IHRLI Doc. No. 56579-56581.

332/ The report identifies the following reported Serb perpetrators at the Petrinja camp: Čedo Vukmirović (Chief "jailer"), Fnu Zorić, Željko Ostojić, Sergeant Vodnik, Djuro Krnjajić, and another JNA Lieutenant who was allegedly a former civilian police inspector in Kutina.

333/ For burials at Vasil Gaćeša, see below.

334/ The witness stated that the bodies were in a state of "advanced decomposition" which made it difficult to ascertain the causes or place of death.

335/ There is, however, a disparity in the number of victims mentioned in the two reports. The first account suggests that 21 individuals were killed (24 total victims, less three identified survivors). The second account places the number of victims at 18.

336/ The specific location of the Vasil Gaćeša casern is unspecified; however, the report indicates that it formerly served as JNA army barracks in Petrinja. The date of the burial is also unclear, but it may be that the interments took place during or after September 1991, after the Serb offensive began.

337/ B. Plavšić, Testimonies Re: Crimes of Moslem-Croatian Forces, Submission of the Government of the Republic of Serbia to the United Nations (30 September 1992), IHRLI Doc. No. 5095, 5103.

338/ A discussion of paramilitary activity in this county can be found in Annex III.A, Special Forces, paragraphs 639-642.

339/ All information in this section taken from The Humanitarian Law Fund, Report on War Crimes and Violations of Human Rights as indicated in Politika, Borba and Vjesnik (1992), IHRLI Doc. No. 49755.

340/ At least 11 civilians were killed in Vočin on 14 December 1991, when Serb paramilitary formations poured gasoline on them and set them on fire. It is unclear from the report whether the bodies of these victims are inside the church.

Notes (continued)

341/ Annex V, The Prijedor Report, and Annex VIII, Prison Camps, paragraphs 1530-2255, both provide detailed discussions of identified detention facilities in Prijedor. Annex III.A, Special Forces, paragraphs 478-497, discusses paramilitary activity in the county.

342/ The following background information is taken from George Rodrigue, Serbs Systematic in Ridding Region of Muslims, Many Say: Bosnia Corridor Considered Crucial to 'Republic,' Dallas Morning News, 27 December 1992, at 1A.

343/ Declassified Document No. 94-201, US Department of State, IHRLI Doc. No. 56971.

344/ For a detailed discussion of the July killing at Keraterm, see the section on the Omarska mining complex.

345/ Declassified Document No. 94-15, US Department of State, IHRLI Doc. No. 56372.

346/ Id.

347/ Defence Debriefing Team, Material on Debriefing of Omarska Camp Prisoner, Submission of the Government of the United Kingdom, 19 October 1993, IHRLI Doc. No. 40079.

348/ Former Yugoslavia: Grave Breaches of the Fourth Geneva Convention, Supplemental Submission (2nd) of the United States Government to the United Nations, 22 October 1992, IHRLI Doc. No. 115.

349/ See infra for further discussion of the burials of prisoners from Keraterm camp.

350/ Also spelled "Bajr".

351/ Croatian Information Centre, Weekly Bulletin No. 2, 16 August 1993, IHRLI Doc. No. 34956.

352/ Information was given to this source by a Serb guard at Keraterm.

353/ All of the soldiers were from Prijedor, Banja Luka, and Sanski Most units. They wore camouflage, red berets, and the Serbian flag on their sleeves.

354/ The witness did not note whether the burials were supervised by the Serb infantry, or if the villagers buried the victims on their own.

355/ Supplemental (7th) Submission of the Government of the United States of America to the United Nations (12 April 1993), IHRLI Doc. No. 11940.

356/ Croatian Information Centre, Written Statement- Code jad15ea, January 1993, IHRLI Doc. No. 39236A.

357/ Id.

Notes (continued)

358/ Supplemental (7th) Submission of the Government of the United States of America to the United Nations (12 April 1993), IHRLI Doc. No. 11940.

359/ This background information was taken from Declassified Document No. 94-8, US Department of State, IHRLI Doc. No. 56346.

360/ Trnjani is a small village between Omarska and Trnopolje. An alleged camp was set up on the school grounds there, and reportedly many men from Kozarac were imprisoned.

361/ This information is taken from Declassified Document No. 94-8, US Department of State, IHRLI Doc. No. 56346.

362/ It appears from other witness statements that the gravediggers were not referring solely to the rape victims who had been killed. Id.

363/ Declassified Document No. 94-163, US Department of State, IHRLI Doc. No. 56839.

364/ Declassified Document No. 94-182, US Department of State, IHRLI Doc. No. 56902.

365/ Declassified Document No. 94-95, US Department of State, IHRLI Doc. No. 56623.

366/ It is also possible that a group of over 100 prisoners from Keraterm might be buried near the fish hatchery. One report noted that the bodies, which were all killed during one night, may have been taken to Lake Ribkjak for dumping. Defence Debriefing Team Material, Summary 24 of Atrocity Information, Submission of the Government of the United Kingdom, 30 September 1993, IHRLI Doc. No. 43281.

367/ Declassified Document No. 94-331, US Department of State, IHRLI Doc. No. 62706.

368/ Declassified Document No. 94-261, US Department of State, IHRLI Doc. No. 57176.

369/ Declassified Document No. 94-291, US Department of State, IHRLI Doc. No. 62631.

370/ Declassified Document No. 94-261, US Department of State, IHRLI Doc. No. 57197.

371/ It did not appear from the report that the witness actually dug the graves at this site. It is also unclear whether the mill is located in Trnopolje proper, for the witness mentioned gravesites in several nearby villages. Helsinki Watch, Field Notes of Dinah PoKempner, 5 August 1993, IHRLI Doc. No. 32319.

372/ Helsinki Watch, Field Notes of Dinah PoKempner, 5 August 1993, IHRLI Doc. No. 32336.

Notes (continued)

373/ The witness did not specify if the individuals he buried were prisoners of the camp.

374/ This burial was on or after 26 June 1992, when witness received his first burial assignment. Helsinki Watch, Field Notes of Dinah PoKempner, 5 August 1993, IHRLI Doc. No. 32319.

375/ A 21 year-old prisoner stated he and another detainee had to bury nine bodies in a nearby field. Submission of Information by Austria, Submission of the Government of Austria to the United Nations (5 March 1993), IHRLI Doc. No. 18426.

376/ Declassified Document No. 94-261, US Department of State, IHRLI Doc. No. 57197.

377/ One report stated, "in Trnopolje, there are mass graves next to each house with 5, 10, 20 bodies". Former Yugoslavia: Grave Breaches of the Fourth Geneva Convention, Supplemental (2nd) Submission of the United States Government to the United Nations (22 October 1992), IHRLI Doc. No. 119.

378/ There is a discrepancy in the spelling of the name of the house's resident. One spells it Redžić, another Redjić. From other facts, it is clearly the same house. One spelling may be phonetic.

379/ The less detailed report says that 11 were killed. Declassified Document No. 94-28, US Department of State, IHRLI Doc. No. 56411. Another report places the number at 13. Declassified Document No. 94-13, US Department of State, IHRLI Doc. No. 56360.

380/ Names of the victims were provided in the report, but are redacted here.

381/ The remaining men, along with 17 male prisoners, were taken to Esad Redžić's house and killed. Declassified Document No. 94-28, US Department of State, IHRLI Doc. No. 56411.

382/ Submission of Information by Austria, Submission of the Government of Austria to the United Nations (5 March 1993), IHRLI Doc. No. 18426.

383/ BiH, State Commission on War Crimes, Case File 735/1992, IHRLI Doc. No. 33330-33331.

384/ Spelled "Šivac" in one report.

385/ Declassified Document No. 94-266, US Department of State, IHRLI Doc. No. 57197.

386/ Witness did not say whether the 50 killed on 26-27 June were those buried on this road, or furthermore, if they were prisoners of Trnopolje Camp. The gravedigger said Talić was buried in Šivci, near the Meitaf. There is a knife still stuck in his neck. Helsinki Watch, Field Notes of Dinah PoKempner, 5 August 1993, IHRLI Doc. No. 32319.

Notes (continued)

387/ The names of the prisoners were provided in the report, but have been redacted here.

388/ Id.

389/ Another witness said Omarska had only one mass grave, an open mine pit. Forty to 50 bodies per day, for 25 days, were taken to this site for burial. It is possible that the witness was referring to the mining complex generally. Declassified Document No. 94-95, IHRLI Doc. No. 56622.

390/ Supplemental (2nd) Submission of the Government of the United States of America to the United Nations (22 October 1992), IHRLI Doc. No. 119.

391/ It is unclear whether the mine at Tomašica is part of the Omarska complex or an independent site. Information on the Tomašica mine is discussed.

392/ Zenica Centre for Research, List of the Places of Mass Execution and Commune Graveyards in the Republic of Bosnia-Herzegovina, August - September 1993, IHRLI Doc. No. 42601.

393/ Defence Debriefing Team, DDT Special Report: Concentration Camps and Other Places of Detention in the Former Republic of Yugoslavia, Submission of the Government of the United Kingdom to the United Nations, 30 September 1993, IHRLI Doc. No. 43018-43019.

394/ Witness noted, however, that he believed this killing was a unilateral action by some of the camp guards and not officially ordered. Id., IHRLI Doc. No. 43035.

395/ One account lists the date as 19 July. Declassified Document No. 94-15, US Department of State, IHRLI Doc. No. 56369. Another says 24 July. Declassified Material, US Department of State, IHRLI Doc. No. 56964. Most of the accounts do not refer to a date, or simply say it took place in mid-July.

396/ Estimates of those killed ranged from 99 to 400. Three of the accounts, however, place the number as between 150 and 250.

397/ Estimates of those wounded were fairly consistent, being between 40-50 inmates.

398/ Again, the accounts diverge as to the number of prisoners loading bodies. Anywhere from two to 20 prisoners were put on burial detail.

399/ Most of the accounts simply say that the bodies were dumped in the mine. However, one account alleges that the bodies were doused with liquid and burned. Declassified Document No. 94-172, US Department of State, IHRLI Doc. No. 56872.

400/ Some of the reports listed multiple locations as possible burial sites.

Notes (continued)

401/ Declassified Document No. 94-5, US Department of State, IHRLI Doc. No. 56328.

402/ The witness personally observed 100 corpses loaded onto a 11 metre trúck, but did not specify if the trucks went to the swamp. Declassified Document No. 94-270, US Department of State, IHRLI Doc. No. 57208.

403/ Former Yugoslavia: Grave Breaches of the Fourth Geneva Convention, Supplemental (3rd) Submission of the Government of the United States of America to the United Nations, U.N. Doc. No. S/24791 (10 November 1992), IHRLI Doc. No. 2121.

404/ The witness also alleged that during his 73 days of detention in Omarska, 1,200-1,400 persons died. Submission of Information by Austria, Submission of the Government of Austria to the United Nations, U.N. Doc. No. S/25377 (6 March 1993), IHRLI Doc. No. 18405.

405/ Declassified Document No. 94-206, US Department of State, IHRLI Doc. No. 57003.

406/ Defence Debriefing Team, DDT Special Report: Concentration Camps and Other Places of Detention in the Former Republic of Yugoslavia, Submission of the Government of the United Kingdom, 30 September 1993, IHRLI Doc. No. 43035.

407/ One report alleges that as many as 5,000 prisoners were "burned" at the Tomašica mine. Republic of BiH Parliament, Commission for Protection of Human Freedoms and Rights, Excerpts from Aggression Against the Republic of BH - Facts of the Effects, 6 April 1993, IHRLI Doc. No. 29894.

408/ Declassified Document No. 94-179, US Department of State, IHRLI Doc. No. 56964.

409/ One of the victims was Mustafa Čerić, the owner of the residence.

410/ Declassified Document No. 94-6, US Department of State, IHRLI Doc. No. 56451.

411/ Defense Debriefing Team Material, Submission of the Government of the United Kingdom, 19 September 1993, IHRLI Doc. No. 40079.

412/ Declassified Document No. 94-75, US Department of State, IHRLI Doc. No. 56559.

413/ Id.

414/ Id.

415/ One account refers to the site only as the Ljubija strip mine. The other account specifies the Iskupine pit. Because of the similarity of facts relating to the incident, the accounts are discussed together here.

Notes (continued)

416/ One account by a known witness specifically mentioned the pit. Declassified Document No. 94-292, IHRLI Doc. No. 62633. The other account, of a man who escaped, does not mention burial at all. It could be that he escaped before being able to witness a burial. Declassified Document No. 94-146, IHRLI Doc. No. 56804.

417/ Declassified Document No. 94-385, US Department of State, IHRLI Doc. No. 62875.

418/ The first attack on Briševo was 27 May 1992. For a discussion of events in Briševo.

419/ Declassified Document No. 94-67, US Department of State, IHRLI Doc. No. 56538.

420/ Supplemental (7th) Submission of the Government of the United States of America to the United Nations (13 April 1993), IHRLI Doc. No. 11940.

421/ Declassified Document No. 94-250, US Department of State, IHRLI Doc. No. 57146.

422/ Croatian Information Centre, Weekly Bulletin No. 10, 11 October 1993, IHRLI Doc. No. 47019, 43734.

423/ Croatian Information Centre, Weekly Bulletin No. 2, 16 August 1993, IHRLI Doc. No. 34957.

424/ While the numbers do not correspond, these bodies may have been those of the seven men killed at Miska Glava, or the 10 who disappeared from the cafe.

425/ Croatian Information Centre, Weekly Bulletin No. 10, 11 October 1993, IHRLI Doc. No. 43727.

426/ Id.

427/ Declassified Document No. 94-385, US Department of State, IHRLI Doc. No. 62875.

428/ Raljas may be the name of a creek near Ljubija.

429/ Supplemental (7th) Submission of the Government of the United States of America to the United Nations (13 April 1993), IHRLI Doc. No. 11940.

430/ Declassified Document No. 94-67, US Department of State, IHRLI Doc. No. 56358.

431/ Croatian Information Centre, Statement of [Witness], 30 January 1993, IHRLI Doc. No. 14951.

432/ Declassified Document No. 94-50, US Department of State, IHRLI Doc. No. 56483.

Notes (continued)

433/ The identities of the victims have been redacted.

434/ The source also believed that the victims were killed not because of their ethnicity, but because they were wealthy residents of the community. Declassified Document No. 94-13, US Department of State, IHRLI Doc. No. 56358.

435/ Victims were identified in the source documentation, but their names are redacted here.

436/ Id.

437/ Supplemental (7th) Submission of the Government of the United States of America to the United Nations (13 April 1993), IHRLI Doc. No. 11940.

438/ All the witness' personal data is available at the Department for Collecting Documentation and Processing Data on the Liberation War. Croatian Information Centre, Statement of [Witness], 30 January 1993, IHRLI Doc. No. 14590.

439/ Most of them were killed by fire arms, but some of them were tortured before death. Croatian Information Centre, Statement of [Witness], 30 January 1993, IHRLI Doc. No. 14592.

440/ Supplemental (8th) Submission of the Government of the United States of America to the United Nations (16 June 1993), IHRLI Doc. No. 23449.

441/ Id., IHRLI Doc. No. 23449.

442/ Id., IHRLI Doc. No. 23449.

443/ Serbian Army major, Veljko Brajić, reportedly led the Brisevo operation and was later promoted to either lieutenant-colonel or colonel. Croatian Information Centre, Statement of [Witness], 30 January 1993, IHRLI Doc. No. 14593.

444/ Names of other perpetrators have been redacted from this report, but are available in the original documentation.

445/ A list of victims buried in eight individual graves in the Briševo area can be found in the original documentation.

446/ The above details about the grave markings and burial methods are at the Croatian Information Centre, Statement of [Witness], 30 January 1993, IHRLI Doc. No. 14597.

447/ Unless otherwise noted, information in the following sections was taken from Croatian Information Centre, Statement of [Witness], 30 January 1993, IHRLI Doc. No. 14590-14601.

448/ Supplemental (8th) Submission of the Government of the United States of America to the United Nations (16 June 1993), IHRLI Doc. No. 23449.

449/ Supplemental (8th) Submission of the Government of the United States of America to the United Nations (16 June 1993), IHRLI Doc. No. 23450.

Notes (continued)

450/ Id.

451/ According to the witness, this body had been tortured and was found in a corn field. He was found with his eyes missing, his ears cut off, the muscles on his arms severed, and his skull cracked with a lath or club.

452/ Approximately 150 metres north-west of this site, on the east side of the paved road from Dimaci to Buzuci, is the grave of an unidentified woman. Id.

453/ Id.

454/ The witness considers these two sites to be one location because they are close in proximity.

455/ Id.

456/ One of the women buried at this site was raped until she died. S.B. and I.Z. buried her 15 days after her death. There were visible signs of bites on her breasts and parts of her body were missing. It appeared that parts of her breasts had been bitten off. She was found naked in the field.

457/ Id., IHRLI Doc. No. 23451.

458/ There are many human corpses and bones in the part of the Kurevo forest between Radulović's house on the one side and Babić's house on the other side (called Rivića Strana). The Muslims who attempted to escape from the area around Hambarine to Stari Majdan or Japra were killed at this spot. Their villages were destroyed and when they tried to flee, they were shot by Serbs stationed at the Lisina hill. There are many dead women, children, and men in this part of the Kurevo forest. The witness found six or seven piles of bodies, 10 or 12 bodies per pile. Some of the bodies were already so decomposed that the witness could see the bones.

459/ Detention facilities in Rogatica are discussed in Annex VIII, Prison Camps, paragraphs 2276-2328. Information on paramilitary groups operating in the county is provided in Annex III.A, Special Forces, paragraphs 498-503.

460/ It is not clear that this mass grave is located in Rogatica county; however, since the witness is from Višegrad and the convoy did not seem to have traveled far before the killing took place, it is discussed here as being in Rogatica. All information in this section taken from Republic of Bosnia-Herzegovina Ministry of Interior, Security Department, Statement of [Witness], 3 July 1992, IHRLI Doc. No. 34721.

461/ Slap appears to be on the border line between Višegrad and Rogatica counties.

462/ The local civilian had a list of 85 buried victims and the personal property had also been accounted. Therefore, it appears that the civilian, perhaps with the assistance of the man who buried the personal property, buried the victims in the graves once they resurfaced in the Drina. Memorandum from UNMO Sarajevo to UNMO HQ Zagreb Re: Mass Grave, October 1993,

Notes (continued)

IHRLI Doc. No. 43931.

463/ Identified detention facilities in Sanski Most are discussed in Annex VIII, Prison Camps, paragraphs 2336-2377.

464/ Supplemental (7th) Submission of the Government of the United States of America to the United Nations (12 April 1993), IHRLI Doc. No. 11943-11944.

465/ Declassified Document No. 94-189, US Department of State, IHRLI Doc. No. 56923-56926.

466/ The report notes that the witness provided a detailed description of the site, but the description was not contained in the report and is not currently in the possession of IHRLI. Supplemental (7th) Submission of the Government of the United States of America to the United Nations (12 April 1993), IHRLI Doc. No. 11943-11944.

467/ Declassified Document No. 94-189, US Department of State, IHRLI Doc. No. 56923-56926.

468/ The escapee's name was provided in the report but has been redacted here. Id.

469/ It should be noted that other villages in Sanski Most, such as Donji Kamengrad and Demiševič, were also completely destroyed and their populations have either been killed or remain missing. However, no reports of mass graves have surfaced from these other villages. Declassified Document No. 94-189, US Department of State, IHRLI Doc. No. 56923-56926.

470/ The name of the village was spelled "Oteš" in the document. For the purposes of this report, it is presumed to refer to the village of Otiš in Sanski Most county.

471/ Defence Debriefing Team, Special Report on Mass Graves, Submission of the Government of the United Kingdom to the United Nations, 7 March 1994, IHRLI Doc. No. 63818.

472/ All information in this section taken from Croatian Information Centre, Written Statement of G.S., 20 January 1994, IHRLI Doc. No. 63973-63983 (with accompanying maps illustrating places of execution).

473/ See Annex VIII, Prison Camps, paragraphs 2378-2521, for identified detention facilities in and around Sarajevo. A discussion of paramilitary groups operating in the county can be found in Annex III.A, Special Forces, paragraphs 506-525.

474/ The memo stated that information about the site was received from Muslim prisoners.

475/ All information in this section is taken from Memorandum from U.N. Commission of Experts to U.N. Centre for Human Rights Regarding Mass Grave Allegation, 22 October 1993 (with accompanying illustration), IHRLI Doc. No. 46344-46347.

Notes (continued)

476/ ECMM, Report No. 9581, ECMM Daily Monitoring Activity, 22 November 1993, IHRLI Doc. No. 50320-50323.

477/ Die Zeit on Serb Mass Grave in Centre of Sarajevo, Yugoslav Daily Survey, 26 July 1993, IHRLI Doc. No. 29517.

478/ This is believed to be a phonetic spelling of Ahatovići, a village in Sarajevo. Most of the soldier's testimony concerns events in and around Sarajevo.

479/ According to the soldier, 120 living prisoners were on one of the trucks when it arrived in Ahatovići. Court TV, Edited Transcript of Testimony of [Witness], IHRLI Doc. No. 16876-16879.

480/ The soldier related that he could hear the wounded prisoners screaming and moaning.

481/ In this edited version of the soldier's testimony, a precise description of the location of the grave was not provided. Court TV, Edited Transcript of Testimony of [Witness], IHRLI Doc. No. 16883-16885.

482/ It is unclear whether the soldier was referring to Bihać county or some other location. Illiach appears to be the phonetic spelling for the Ilijaš district. It seems impractical for bodies to have been transported from Bihać to Ilijaš, which is in Sarajevo. The transcript of this interrogation is edited and difficult to follow, with the translator using phonetic spellings on much of the location and name information. IHRLI Videotape No. 18, Transcript of [Witness], IHRLI Doc. No. 32186.

483/ Twenty-four perpetrators were also named in the report. Union for Peace and Humanitarian Aid to Bosnia-Herzegovina, Report on Massacre in Village of Ljesevo on June 5, 1992, 28 October 1992, IHRLI Doc. No. 49205-49208.

484/ The report consisted of an edited transcript of the soldier's interrogation. Many of the spellings are phonetic and the material is extremely difficult to follow. CNN News, Transcript of Interrogation of [Witness], in Serbs Using Rape as a Weapon, IHRLI Videotape 18, IHRLI Doc. No. 32239-32241.

485/ Serbian Council Information Centre, Report on Harassment and Ethnic Cleansing in Western Slavonia by the Authorities of the Republic of Croatia, 31 October 1992, IHRLI Doc. No. 14159-14162.

486/ The report noted that the Serbs were afraid that they were not welcome in Croatian-dominated villages, and that there was no accessible route to the nearest refugee camp.

487/ Case I-046, Second Report Submitted to the Commission of Experts, Belgrade 1993, Submission of the Government of the Federal Republic of Yugoslavia to the United Nations, 2 July 1993, IHRLI Doc. No. 28419.

488/ This man was reportedly the bodyguard of a supposed Serb commander.

Notes (continued)

489/ All information in this section was taken from State Commission for Gathering Facts on War Crimes in the Republic of Bosnia and Herzegovina, Testimony of N.N., Bulletin No. 3, March 1993, IHRLI Doc. No. 29866-29867.

490/ For a discussion of the activities of Arkan's men in Srebrenica, see Annex III.A, Special Forces, paragraphs 526-528.

491/ All information in this section was taken from Declassified Document No. 94-55, US Department of State, IHRLI Doc. No. 56500-56501.

492/ The gravesite is on the left of the school, when entering Debelo Brdo from the direction of Bihać.

493/ All information in this section was taken from The Humanitarian Law Fund, Report on War Crimes and Violations of Human Rights as indicated in Politika, Borba and Vjesnik (1992), IHRLI Doc. No. 49755.

494/ The report does not specify in which army Pašalić serves.

495/ It is presumed, for the purposes of this report, that "Raštani" is the phonetic spelling for Raščani, a village in the centre of Tomislavgrad county.

496/ ECMM, Report No. 38, ECMM Humanitarian Activity, 19-25 September 1993, IHRLI Doc. No. 38472.

497/ Activity of paramilitary groups in Travnik is discussed in Annex III.A, Special Forces, paragraphs 534-536.

498/ An official source, IHRLI Doc. No. 40147-40149.

499/ Id.

500/ Declassified Document No. 94-126, US Department of State, IHRLI Doc. No. 56717-56720.

501/ Helsinki Watch, War Crimes in Bosnia-Herzegovina, Volume II, April 1993, IHRLI Doc. No. 9329.

502/ One report alleges that the bodies of as many as 3,000 "convoy victims" may be at this site. Society for Threatened Peoples, Genocide in Bosnia (T. Zulch ed.), IHRLI Doc. No. 4041-4042.

503/ A great deal of information for this section of the report was obtained from US State Department debriefings of two of the survivors of the mass killing. In all, seven or eight persons survived.

504/ Some reports place the date of incident in late July or early August. However, most of the survivors of the mass killing on Vlašić mountain note the date as 21 August 1992.

505/ Declassified Document No. 94-179, US Department of State, IHRLI Doc. No. 56889-56891.

Notes (continued)

506/ Id.

507/ Declassified Document No. 94-31, US Department of State, IHRLI Doc. No. 56420-56423. Another report noted that only 10 women were "released" at Trnopolje. Declassified Document No. 94-179, US Department of State, IHRLI Doc. No. 56889-56891.

508/ Declassified Document No. 94-31, US Department of State, IHRLI Doc. No. 56420-56423.

509/ Id.

510/ Id.

511/ Id.

512/ Declassified Document No. 94-179, US Department of State, IHRLI Doc. No. 56889-56891.

513/ The reports allege the convoy travelled anywhere from an additional 200 metres to two kilometres.

514/ Declassified Document No. 94-31, US Department of State, IHRLI Doc. No. 56420-56423.

515/ Declassified Document No. 94-179, US Department of State, IHRLI Doc. No. 56889-56891. Another report noted that the commander of this operation was Dragan Mrdja, nicknamed "Drdo". Declassified Document No. 94-196, US Department of State, IHRLI Bates No. 56945-47.

516/ Id.

517/ Id.

518/ Id.

519/ Declassified Document No. 94-179, US Department of State, IHRLI Doc. No. 56889-56891.

520/ Declassified Document No. 94-31, US Department of State, IHRLI Doc. No. 56420-56423.

521/ Presumably, one of the witnesses interviewed by the State Department was among the three men taken to the back of the bus.

522/ Declassified Document No. 94-179, US Department of State, IHRLI Doc. No. 56889-56891.

523/ Declassified Document No. 94-31, US Department of State, IHRLI Doc. No. 56420-56423.

524/ Id.

Notes (continued)

525/ Id.

526/ Id.

527/ Helsinki Watch, War Crimes in Bosnia-Herzegovina, Volume II, April 1993, IHRLI Doc. No. 9329.

528/ B.J. appears to be the only witness who has estimated the number of those killed at Vlašić on 21 August as less than 200. Id.

529/ Zdravko Grebo, Report re: Crimes Committed Against Non-Serbian Citizens of B-H, 19 November 1992, IHRLI Doc. No. 5493.

530/ Submission of the Government of Germany to the United Nations (11 January 1993), IHRLI Doc. No. 5491.

531/ Report on Mass Graves in UNPROFOR Sector East, Submission of the Government of the Republic of Croatia to the United Nations, U.N. Doc. No. S/25129 (20 January 1993), IHRLI Doc. No. 4934-4935.

532/ Id.

533/ ECMM, Eleven Mass Graves Discovered in Sector East and Mass Grave Report to Date, 6 June 1992 to 16 June 1992, 12 May 1993, IHRLI Doc. No. 19282.

534/ All information in this section taken from Morris Tidball Binz, Forensic Report on Preliminary Investigations of Mass Graves in the Former Yugoslavia, 11 January 1993, IHRLI Doc. No. 18998-18999 (with accompanying photographs and illustrations).

535/ International Society for Human Rights, British Section, Human Rights & Serbia - Report 2 - Ethnic Cleansing: New Information on Human Rights Violations, July 1992, IHRLI Doc. No. 9234.

536/ All information in this section was taken from UNCIVPOL, UNCIVPOL Memo Re: Possible Mass Graves in Sector East, IHRLI Doc. No. 3984.

537/ The bracket character was used to spell the name of the railroad station in the report.

538/ V. Sladić, On General Strategy and Methods of Serbian Aggression on Croatia in 1991 (selection of topics from the project papers), IHRLI Doc. No. 54624.

539/ See Annex VIII, Prison Camps, paragraphs 2745-2807, for a discussion of identified detention facilities in Vlasenica.

540/ Declassified Document No. 94-49, US Department of State, IHRLI Doc. No. 56476-56481.

541/ According to a witness, the ethnic distribution of the village of Vlasenica was 64 per cent Muslim and 36 per cent Serbian. Id.

Notes (continued)

542/ It is interesting to note that from April 1992, villagers who were spouses in mixed marriages were forced to "change," according to one witness. Where a husband was Muslim and the wife was Serbian, the husband was reportedly killed and the wife and children forced to adopt the wife's Serb maiden name. Muslim wives of Serb husbands had to adopt a Serb first name, as did any children with non-Serb first names. Defense Debriefing Team, *Summary No. 19 of Atrocity Information*, Submission of the Government of the United Kingdom, 19 October 1993, IHRLI Doc. No. 43262.

543/ The camp was reportedly in operation from May to October 1992, but was never officially recognized. Defense Debriefing Team, *Summary No. 19 of Atrocity Information*, Submission of the Government of the United Kingdom, 19 October 1993, IHRLI Doc. No. 43258. The campsite consisted of two warehouses and one small building surrounded by barbed wire. All of the prisoners were kept in one warehouse. The structure was said to be seven metres wide and 15 metres long. At full capacity, it could have held up to 560 prisoners. Declassified Document No. 94-49, US Department of State, IHRLI Doc. No. 56478.

544/ Many of the prisoners of Sušica Camp were transferred to the camp at Batković in June of 1992. Defence Debriefing Team, *Summary No. 19 of Atrocity Information*, Submission of the Government of the United Kingdom, 19 October 1993, IHRLI Doc. No. 43258.

545/ One report alleges that over 1000 prisoners have been executed at the camp. International Society for Human Rights, *Report 3: Populations at Risk*, August 1992, IHRLI Doc. No. 11497.

546/ One former prisoner of the Susica Camp noted that when she escaped from the camp in September of 1992, there were still 180 prisoners at the camp, whom she believes have since been killed. Defense Debriefing Team, *Summary No. 19 of Atrocity Information*, Submission of the Government of the United Kingdom, 19 October 1993, IHRLI Doc. No. 43258.

547/ Id.

548/ The Serb guards were identified in the report, but their names are redacted here.

549/ According to the refugee interviewed by the State Department, the two men who assisted with the burial were still in detention as of February 1993. Declassified Document No. 94-49, US Department of State, IHRLI Doc. No. 56480.

550/ For a discussion of detention facilities in Vukovar, see Annex VIII, Prison Camps, paragraphs 3272-3361. Activity of paramilitary groups operating in the region is discussed in Annex III.A, Special Forces, paragraphs 653-679.

551/ Society of Croatian Professional Women, *Testimony of [Witness]*, Testimonies Regarding Alleged War Crimes and Violations of International Humanitarian Law, 10 March 1993, IHRLI Doc. No. 6348-6352.

552/ DIMH, *Chapter 10 - Vukovar: Symbol of Croatian Resistance to Aggression*, 10 April 1992, IHRLI Doc. No. 26487-26488.

Notes (continued)

553/ Z. Šeparović, Documenta Croatica: On Croatian History and Identity and the War Against Croatia (2d rev. ed. 1992), IHRLI Doc. No. 14934.

554/ Croatian Red Cross, Report on Mass Graves In U.N. Sector East, 9 December 1992, IHRLI Doc. No. 3993.

555/ Croatian Red Cross, Testimony by Gravediggers, 13 April 1993, IHRLI Doc. No. 19590-19610.

556/ These two sources submitted nearly identical lists of mass graves. It could be that one relayed the information to the other, but both submitted the report independently.

557/ Presumably the cemetery was situated amidst heavy attacks by the Serbs, making it unsafe to transport bodies there. DIMH, Chapter 10: Vukovar, IHRLI Doc. No. 26487-26488.

558/ Croatian Red Cross, Testimony by Gravediggers, IHRLI Doc. No. 19590-19610.

559/ Chapter 10: Vukovar, IHRLI Doc. No. 26487-26488. The "Vukovar gravedigger" noted that 378 bodies were buried at the cemetery without identification. It is not clear whether Bosanac and the gravedigger are referring to the same group of individuals. It is not likely, since the Office of Burials for Vukovar attempted to register all dead persons until the last possible moment. Testimony by Gravediggers, IHRLI Doc. No. 19590-19610.

560/ The ZNG member is alleged to have killed three Serbs who he then threw into the Danube, as well as killing 27 Serbs on the banks of the Danube near the Borovo Company. Criminal Acts and Perpetrators of Criminal Acts Against Humanity and International Law Committed Before and During Armed Conflicts in Vukovar and its Surroundings, Submission of the Government of the Federal Republic of Yugoslavia to the United Nations (21 June 1993), IHRLI Doc. No. 23440.

561/ Id., IHRLI Doc. No. 23425.

562/ Croatian Red Cross, Report on Mass Graves In U.N. Sector East, 9 December 1992, IHRLI Doc. No. 3993.

563/ Society of Croatian Professional Women, Testimony of [Witness], Testimonies Regarding Allegations of War Crimes and Violations of International Humanitarian Law, 10 March 1993, IHRLI Doc. No. 7348-7352; see also Chapter 10: Vukovar, IHRLI Doc. No. 26487-26488.

564/ Supplement 8, Criminal Offenses For Which Collection of Evidence Material is in Progress, Submission of the Government of the Republic of Croatia to the United Nations, 6 November 1992, IHRLI Doc. No. 2876.

565/ Testimony By Gravediggers, IHRLI Doc. No. 19590-19610.

Notes (continued)

566/ One former Velepromet prisoner said the regular army treated the prisoners correctly. Croatian Information Centre, Statement of [Witness], 22 April 1993, IHRLI Doc. No. 36175-36180.

567/ The Croatian Government was one entity listing the brickyard as a site of a mass killing. Report on Mass Graves in U.N. Sector East, Submission of the Government of the Republic of Croatia to the United Nations, IHRLI Doc. No. 3993-3994.

568/ Croatian Information Centre, Statement of [Witness], IHRLI Doc. No. 36175-36180; see also War Crimes and Grave Breaches of Geneva Conventions Committed by Serbian Paramilitary Forces in UNPAs in the Republic of Croatia Testimony VU-VP-692, Submission of the Government of the Republic of Croatia to the United Nations (6 April 1993), IHRLI Doc. No. 36732.

569/ Id.

570/ For example, one gravedigger said bodies of people killed at night at Velepromet were taken to Negoslavci to be buried. Testimony of Gravediggers, IHRLI Doc. No. 19590-19610.

571/ Report on Mass Graves in UN Sector East, Croatian Submission, U.N. Doc No. S/25129, IHRLI Doc. No. 4934.

572/ Testimony by Gravediggers, IHRLI Doc. No. 19590-19610.

573/ The Croatian Government alleged that 300 persons were buried at the railway station. While the brickyard sites are near the railway station, it is unclear if the report meant to refer to the brickyard. Supplement 8, Criminal Offenses, IHRLI Doc. No. 2876.

574/ All information in this section taken from T. Opsahl, Opsahl Report on Mission to Zagreb 11-14 August 1993, IHRLI Doc. No. 35335.

575/ Supplement 8 - Criminal Offenses, see also Croatian Red Cross, Report on Mass Graves in Sector East, IHRLI Doc. No. 3993-3994.

576/ It is possible that the site was bulldozed over to hide evidence of a mass killing; however, no other report notes the existence of this grave. Society of Croatian Professional Women, Testimony of [Witness], Testimonies Regarding Allegations of War Crimes and Violations of International Humanitarian Law, 10 March 1992, IHRLI Doc. No. 6348-6352.

577/ Chapter 10: Vukovar, IHRLI Doc. No. 26487-26488.

578/ Z. Šeparović, Documenta Croatica, IHRLI Doc. No. 14934.

579/ Testimony by Gravediggers, IHRLI Doc. No. 19590-19610.

580/ Supplement 8, Criminal Offenses, IHRLI Doc. No. 2876.

581/ Testimony VU-VP-692, IHRLI Doc. No. 36732.

Notes (continued)

582/ Witness stated that two men gave him his burial orders. They also had lists of where people were buried and sometimes these corpses were dug up. This would comport with other accounts of JNA personnel exhuming bodies for proper identification and autopsy. Id.

583/ Report on Evacuation of the Vukovar Hospital and the Mass Grave at Ovcara, United Nations Commission of Experts Established Pursuant to Security Council Resolution 780 (1993). For detailed information regarding the preliminary site exploration conducted at Ovcara, see Physicians for Human Rights, Reports of Preliminary Site Exploration of a Mass Grave Near Vukovar, Former Yugoslavia and Appendices A-D (19 January 1993).

584/ Unless otherwise noted, the following information can be found in William J. Fenrick, Report Concerning On-Site Investigations in Croatia - October-November 1993, February 1994, IHRLI Doc. No. 62423-62438.

585/ Physicians for Human Rights, Report of a Second Site Exploration of a Mass Grave Near Vukovar, Former Yugoslavia, 10 January 1994, IHRLI Doc. No. 62576-62591.

586/ For additional information regarding the second site exploration, see Team Leader's Report, Canadian War Crimes Investigation Team: Ovcara, Packrac, Dubrovnik and Medac Projects, IHRLI Doc. No. 62439-62444 and Murray-Ford and McComb, Report of Investigative Activity to the United Nations Commission of Experts: Ovcara, 7 December 1993, IHRLI Doc. No. 62573-62575.

587/ The following background information is taken from Society of Croatian Professional Women, Statement of [Witness], Testimonies Regarding Allegations of War Crimes and Violations of International Humanitarian Law, 10 March 1992, IHRLI Doc. No. 7380; Testimony Lov-628, War Crimes and Grave Breaches of Geneva Conventions Committed by Serbian Paramilitary Forces in UNPAs in the Republic of Croatia, 6 September 1993, IHRLI Doc. No. 36735.

588/ A camp was set up at the cooperative in the centre of the village, where people were detained and beaten.

589/ S.P. was the person responsible for identification of the bodies, while B.F., J.R., J.B., F.P. and D.R. loaded the bodies.

590/ The witness identified five individuals who were put into body bags and buried in the canal. Others were covered with blankets or tablecloths. Testimony Lov-628, IHRLI Doc. No. 36735.

591/ Society of Croatian Professional Women, Statement of [Witness], IHRLI Doc. No. 7380.

592/ Croatian Red Cross, Report on Mass Graves in UN Sector East, IHRLI Doc. No. 3993-3994.

593/ UNCIVPOL, UNCIVPOL Memo Re: Possible Mass Graves in Sector East, IHRLI Doc. No. 3983-3985.

Notes (continued)

594/ Morris Tidball Binz, Forensic Report on Preliminary Investigations of Mass Graves in the Former Yugoslavia, 11 January 1993, IHRLI Doc. No. 18996-18999 (with accompanying photographs and illustrations).

595/ Id.

596/ On General Strategies and Methods of Serb Aggression in Croatia in 1991, IHRLI Doc. No. 54623.

597/ It is possible that "Kakobovac" is a misspelling, and the report actually refers to Jakobovac, discussed above. Declassified Document No. 94-96, US Department of State, IHRLI Doc. No. 56624-56628.

598/ All information in this section taken from DIMH, Testimony BEK-189, 24 June 1992, IHRLI Doc. No. 4938.

599/ Croatian Red Cross, Report on Mass Graves in Sector East, IHRLI Doc. No. 3992-3994.

600/ Names of victims have been redacted from this document. Report on Mass Graves In UN Sector East, Croatian Submission, IHRLI Doc. No. 4935.

601/ Croatian Mission, Report on Mass Graves in UNPROFOR Sector East, Press Release from the Croatian Government, 20 January 1993, IHRLI Doc. No. 5490.

602/ The fourth grave may be located behind houses in Tovarnik in the direction of Sid. On General Strategies and Methods of Aggression On Croatia In 1991, IHRLI Doc. No. 54617.

603/ The names of some of the victims were provided in the report, but have been redacted here.

604/ Five other individuals were also buried in this grave. Croatian Information Centre, Weekly Bulletin No. 14, 14 November 1993, IHRLI Doc. No. 47018.

605/ This account suggests that the 24 persons buried in one day were placed in the grave at the cemetery. Croatian Information Centre, Crimes Committed by Military and Paramilitary Formations Against Croatian Population of Tovarnik Between 20 September and the End of December 1991, IHRLI Doc. No. 11691.

606/ UN Centre for Human Rights, Field Operations in Zagreb, Report on Mission to Central Bosnia (4 October 1993) (hereinafter UN Central Bosnia Report), IHRLI Doc. No. 40146.

607/ Id., IHRLI Doc. No. 40145.

608/ Id. The exact number of Croats killed varies from account to account. For example, ECMM reported 30-40 Croats killed. ECMM, ECMM Humanitarian Activity Report No. 35, 29 August - 4 September 1993, at 3-4 (hereinafter ECMM Report No. 35), IHRLI Doc. No. 38406-38407.

Notes (continued)

609/ UN Central Bosnia Report, IHRLI Doc. No. 40146.

610/ Id.

611/ The reports are unclear as to whether the village of Maljina is located in Zenica or the neighboring county of Travnik.

612/ UN Central Bosnia Report, IHRLI Doc. No. 40145.

613/ Id.

614/ Id.

615/ Id. ECMM reported that the Deputy Commander admitted that there were three mass graves containing a total of 30 bodies, all of which were HVO soldiers killed in battle. ECMM Report No. 35, IHRLI Doc. No. 38406-38407.

616/ UN Central Bosnia Report, IHRLI Doc. No. 40146.

617/ Id. The priest argued that the existence of a third grave supported information regarding six Croats from Maljina who were still missing. Id.

618/ Id., IHRLI Doc. No. 40147-40148.

619/ Id., IHRLI Doc. No. 40148.

620/ Id.

621/ Id.

622/ Id., IHRLI Doc. No. 40148-40149.

623/ Id., IHRLI Doc. No. 40149.

624/ Id.

625/ ECMM Humanitarian Activity Report No. 43, 24-30 October 1993, at 20, IHRLI Doc. No. 47044.

626/ Id.

627/ Hina English Digest Report, Mostar, 5 August 1993, IHRLI Doc. No. 41226.

628/ Id.

629/ A detailed discussion of identified detention facilities in Zvornik can be found at Annex VIII, Prison Camps, paragraphs 2847-2912. Paramilitary groups operating in the county are discussed in Annex III.A, Special Forces, paragraphs 566-595.

Notes (continued)

630/ A Bosnian refugee who was interviewed by the US State Department estimated the percentage of Muslims as 70 per cent, with a 27 per cent Serb population. Declassified Document No. 94-380, US Department of State, IHRLI Doc. No. 62859-62863.

631/ Declassified Document No. 94-214, US Department of State, IHRLI Doc. No. 57030-57031.

632/ "Arkan" is the alias for Željko Ražnjatović, leader of the "Tigers", and Vojislav Šešelj is the leader of the "Beli Orlovi" or "White Eagles". Both the Tigers and White Eagles are Serbian paramilitary forces.

633/ Declassified Document No. 94-60, US Department of State, IHRLI Doc. No. 56516-56518.

634/ Declassified Document No. 94-380, US Department of State, IHRLI Doc. No. 62859-62863.

635/ Karakaj is the industrial section of Zvornik.

636/ Declassified Document No. 94-60, US Department of State, IHRLI Doc. No. 56516-56518.

637/ One official report alleged that a total of 10 mass graves had been identified in the Zvornik county by the end of 1992, but provided no specific locations. An official source, IHRLI Doc. No. 18994.

638/ Many Muslims killed in the siege of Zvornik were later found floating in the Drina River. Some of the bodies had their throats cut and black Muslim berets nailed to their heads. Declassified Document No. 94-11, US Department of State, IHRLI Doc. No. 56352-56356.

639/ The name of the cemetery actually varies from report to report. Variations include Kazambase, Kazan Bašta and Kazambašća.

640/ One report places the cemetery as south-west of Zvornik. Declassified Document No. 94-380, US Department of State, IHRLI Doc. No. 62859-62860.

641/ Declassified Document No.94-60, US Department of State, IHRLI Doc. No. 56516-56519.

642/ Id.

643/ Declassified Document No. 94-380, US Department of State, IHRLI Doc. No. 62859-62863.

644/ A Bosnian refugee, who was a lawyer from Zvornik, also speculated as to the existence of a mass grave at the cemetery, but could not substantiate the allegation. Declassified Document No. 94-214, US Department of State, IHRLI Doc. No. 57030-57031.

Notes (continued)

645/ Austrian Submission to the UN, 3 February 1993, IHRLI Doc. No. 5814-5832. Another villager in Little Zvornik observed bulldozers digging on 22 June 1992, in the spots of the "old Muslim and Jewish cemeteries". Reportedly, the bodies buried in these spots were from Foca. Austrian Submission to the UN, 19 April 1993, IHRLI Doc. No. 18206.

646/ Declassified Document No. 94-11, US Department of State, IHRLI Doc. No. 56352-56356.

647/ The boys had been forced to accompany the Chetniks into town, where they removed valuables from Muslim houses and loaded them into vehicles.

648/ It is unclear whether these 600 bodies were the same as those taken from the Čelopek and Divič camps.

649/ The cemetery is bordered on the south-east by a gypsy settlement, on the north-east by the Metereze settlement and on the north-west by a wooded hill. Declassified Document No. 94-60, US Department of State, IHRLI Doc. No. 56516-56519.

650/ Council of Human Rights and Fundamental Freedoms, Testimony X, Testimonies on Serbian Killing of Civilians in Bosnia-Herzegovina Outside a Combat Context.

651/ Declassified Document No. 94-56, US Department of State, IHRLI Doc. No. 56503-56504.

652/ The term "slaughterhouse" as used here is not pejorative. Karakaj is an industrial complex, and one of the structures in the complex was a slaughterhouse.

653/ Declassified Document No. 94-361, US Department of State, IHRLI Doc. No. 62802-62803.

654/ It is unclear whether the gravel pits near Čelopek and the quarry at Ravnaje are the same location. Declassified Document No. 94-214, US Department of State, IHRLI Doc. No. 57030-57031.

655/ Declassified Document No. 94-133, US Department of State, IHRLI Doc. No. 56747-56749.

656/ Declassified Document No. 94-361, US Department of State, IHRLI Doc. No. 62802-62803.

657/ Declassified Document No. 94-133, US Department of State, IHRLI Doc. No. 56747-56749.

658/ Declassified Document No. 94-365, US Department of State, IHRLI Doc. No. 62812-62813.

659/ Fourth Submission of the United States to the United Nations, 8 December 1992, IHRLI Doc. No. 3170.

Notes (continued)

660/ Submission of the Austrian Government to the United Nations, 3 February 1993, IHRLI Doc. No. 5820. This allegation is corroborated by a refugee from the Zvornik area. Declassified Document No. 94-214, US State Department, IHRLI Doc. No. 57030-57031.

661/ Submission of the Austrian Government to the United Nations, 3 February 1993, IHRLI Doc. No. 5820.

FINAL REPORT OF THE UNITED NATIONS COMMISSION OF EXPERTS ESTABLISHED PURSUANT TO SECURITY COUNCIL RESOLUTION 780 (1992)

ANNEX X.A
MASS GRAVES - OVČARA NEAR VUKOVAR, UNPA SECTOR EAST

Prepared by:

William J. Fenrick
Member and Rapporteur on On-site Investigations,
Commission of Experts Established Pursuant to
Security Council Resolution 780 (1992)

Contributors:

Members of Canada's Contributed Personnel to the Commission of Experts (Canadian War Crimes Investigation Team)

Members of Netherland's Contributed Personnel to the Commission of Experts (Royal Netherlands Army)

and

Physicians for Human Rights, Consultants to the Commission of Experts

CONTENTS

		Paragraphs	Page
	PART I		
I.	INTRODUCTION	1 - 18	3
II.	WCIT REPORT OF INVESTIGATIVE ACTIVITY AT OVČARA . .	19 - 28	6
	PART II		
I.	EXECUTIVE SUMMARY	29 - 32	7
II.	INTRODUCTION	33 - 37	8
III.	FIELD REPORT	38 - 62	9
	A. Site preparation	38 - 41	9
	B. Methods	42 - 62	9
IV.	CONCLUSIONS AND RECOMMENDATIONS	63 - 64	12
V.	ACKNOWLEDGEMENTS	65 - 68	12

Part One

I. INTRODUCTION

1. As indicated in its first and second interim reports, the Commission had intended for some time to conduct an investigation of the Ovčara gravesite in United Nations Protected Area (UNPA) Sector East. This examination would involve the exhumation of the bodies contained in the mass gravesite, the collection of physical evidence at the gravesite, the transport of the bodies to a morgue facility, and the autopsy examination of the bodies to establish identification and the cause/manner of death. In time, other types of evidence would be collected, including testimonial evidence, so that criminal responsibility for the killings related to the bodies in the grave could be determined.

2. Although the Commission had hoped to conduct the Ovčara investigation expeditiously, it soon became apparent that, although it was possible to obtain the necessary forensic experts from Physicians for Human Rights (PHR) and the necessary police and investigative resources from the Canadian War Crimes Investigation Team (WCIT) 1/ or elsewhere at reasonably short notice, it would be very difficult to obtain the services of a small military engineering support unit, which was essential for the conduct of an excavation investigation. It would also be very difficult to obtain usable assurances and approvals from the political authorities controlling the area. A reconnaissance trip to the Ovčara area in March 1993 had indicated that United Nations Protection Forces (UNPROFOR) did not have the military resources available to provide complete support for the investigation. Another lesson from the reconnaissance trip was that it was essential to have the approval of the relevant political authorities. Unfortunately, it was also clear that it was extremely difficult to determine the identity and location of the relevant political authorities in Belgrade, Knin and Vukovar. In addition, it was apparent that the political situation was in a state of flux; it was difficult to determine who really possessed power and the relative competence of authorities at different levels.

3. After some considerable efforts by the Commission staff and by the first Chairman, Mr. Kalshoven, the Commission was fortunate enough to obtain the services of a small composite Royal Netherlands Army Unit, which met the military support requirement superbly.

4. In an effort to obtain the necessary political assurances, the Commission made visits to Vukovar in March, July, October, and November; to Belgrade in March and April; and, to Knin in May, September, and October. In addition, the Commission exchanged numerous pieces of correspondence with various authorities in these locations. The approach taken by the Commission was that, as a matter of balance, the Commission would attempt to excavate a second mass grave site in UNPA Sector West, which was believed to contain Serb victims at essentially the same time as it conducted the Ovčara excavation. The Commission and the local authorities at various times also discussed issues including the location for post mortem examinations, the presence of observers during the investigation, and the concerns of the "RSK" administration about the use of UNPA Sector West by Croatian authorities as a location for radioactive waste disposal sites.

5. Following a meeting in Knin with Republic of the Serbian Krajina (RSK) administration on 5 September 1993, it was the view of the Commission that it had obtained the necessary approvals to conduct the Ovčara excavation. As a matter of balance, while the bodies at Ovčara were being exhumed and an autopsy examination was being conducted to establish identification and the

cause/manner of death, a preliminary site survey would be conducted at a presumed mass gravesite in the Pakračka Poljana/Marino Selo area in UNPA Sector West and a preliminary radiological survey would also be conducted in UNPA Sector West. On the basis of this understanding, the Commission decided to have PHR, the WCIT, and the Dutch UNPROFOR Support Detachment deployed to Zagreb in early October, and to deploy them to Sectors West and East during the week of 17 October. The various teams were then deployed to Zagreb.

6. On 14 and 15 October, the Commission met in Knin with the RSK administration to obtain additional written authorization to proceed with the Ovčara excavation and to address newly raised RSK concerns about the location of the morgue facility. The RSK administration insisted that post-mortem examinations could not be conducted in Croatia. Although the Commission had intended to have the post-mortem examinations conducted in Zagreb, the Commission agreed to endeavour to locate a place for these examinations which would be acceptable to the RSK administration. On receipt of this assurance, the RSK administration issued several documents authorizing the Commission to proceed with the investigation.

7. The teams from PHR, the WCIT, and the Dutch UNPROFOR Support Detachment deployed from Zagreb to UNPA Sector East on 19 October. On arrival in UNPA Sector East the evening of 19 October, the On-site Rapporteur was informed by UNPROFOR that a meeting with the RSK UNPA Sector East administration, in particular Colonel Milanović, was a condition precedent to commencement of the excavation. The Dutch UNPROFOR Support Detachment established accommodations for itself and the WCIT at Klisa airfield within the perimeter of the UNPROFOR Russian battalion. PHR was accommodated at the UNPA Sector East Headquarters in Erdut.

8. As it was not possible to meet with Colonel Milanović before 22 October, the various teams went to the Ovčara site on 20 and 21 October with the acquiescence of the Sector Commander to conduct a second site survey which would not involve any excavation. The site had been secured by UNPROFOR since it was originally identified in December 1992. During the site survey, the site was checked for unexploded ordinance by UNPROFOR, brush was cleared, the area was surveyed in detail with a range of equipment and a certain amount of physical evidence, including spent cartridge cases and some cloth, was recovered. Reports on this phase of the investigation were prepared by PHR and by the WCIT.

9. In total, the team spent less than 48 hours on-site. During this time, the principle activity was the electronic surveying of the site by experts in the PHR team. In addition, mine-clearing of part of the site was conducted by UNPROFOR troops. It should be noted that 64 items of potential evidentiary significance, shell casings, were seized from the site before this project was suspended. The bulk of these are shell casings. All the items seized by the WCIT were identified, tagged, and secured in accordance with the standing operating procedures.

10. On 22 October, the On-site Rapporteur met with Colonel Milanović in Erdut and was informed that, notwithstanding the various approvals received in Knin on 14 and 15 October, the RSK Parliament had taken a decision on 21 October requiring the Commission to postpone all activity at Ovčara until a political solution was found to the situation in the former Yugoslavia. Following the meeting, the On-site Rapporteur withdrew all personnel from the Ovčara site to their accommodations at Klisa and Erdut. It was his considered opinion that any attempt to continue the project after receipt of this decision would expose the project personnel or UNPROFOR personnel to an excessive degree of risk.

11. Although efforts were made to rehabilitate the Ovčara project in the ensuing weeks, none of these efforts were successful and no one affiliated with the Commission had returned to the site, which remains under UNPROFOR protection since 22 October.

12. Once it became apparent, by mid-day 24 October, that there would be no rapid change of position on the part of local administration, project personnel were shifted over a period of time from UNPA Sector East to UNPA Sector West and elsewhere for their more efficient use. The last person and the last piece of equipment was out of UNPA Sector East by 30 October. Sufficient material and personnel resources were, however, retained in Croatia until about 10 November so that the Ovčara excavation could be conducted if adequate political approval was obtained. After 10 November, the onset of cold weather made the project impracticable before the spring of 1994. Appropriate political approval was not obtained before 10 November.

13. On 17 November 1993, the On-site Rapporteur and the Secretary of the Commission met with Mr. Hadžić, President of the RSK in Erdut. Also at the meeting were Mr. Nikšić, Vice-Chairman of the Regional Council and Colonel Milanović, Deputy Minister of Defence of the RSK. Note number 1-234-93, dated 16 November, was presented to the On-site Rapporteur under the signature of Mr. Hadžić, stating the following decisions:

(a) The RSK administration agree to co-operate in and give their approval for the excavations on the site of Ovčara, in the municipality of Vukovar;

(b) The excavation activities can start in March or April the following year, when the weather conditions have improved;

(c) The RSK administration will appoint one member to observe the activities of the Commission; and

(d) The President of the Republic, Mr. Hadžić, approved the above-stated items and is willing to co-operate fully with the Commission.

14. Elections were held in the RSK in December 1993, but Mr. Hadžić did not run for re-election. It is reasonable to presume that another round of negotiations is necessary before the Ovčara excavation can be conducted.

15. As a result of the above investigations, the following reports were produced:

(a) a PHR report, Report of a Second Site Exploration of a Mass Grave Near Vukovar, Former Yugoslavia, which can be found in Annex X.A.2;

(b) a WCIT report, Report of Investigative Activity to the United Nations Commission of Experts-Ovčara, which follows.

16. The mass grave excavation project at Ovčara required, in Commission terms, substantial resources and was, at best, a qualified success. It is my view that the Ovčara project was successful to some extent because of the fact that the Commission was actually able to overcome considerable obstacles and deploy the necessary personnel and equipment to UNPA Sector East, even though it was unable to dig for political reasons. It is considered, however, that no attempt should be made to conduct the Ovčara excavation unless a very firm agreement is applied by the appropriate authorities.

17. The following lessons were learned from the Ovčara project:

(a) that local authorities can thwart projects which appear to have been authorized at a higher level. It is recommended that in addition to any written consent, it be a matter of UN policy that a representative of the appropriate Governmental authority be present at, though not on (for security and evidentiary reasons) the site, to facilitate relations with the local authorities;

(b) that it would be most efficient, should resources permit to locate mass grave investigative and exhumation resources "in country" for an extended period of time, that is for three to six months. This would permit flexibility in moving to different sites as soon as obtaining political approval and before any changes are made to the original approval; and

(c) that arrangements should be in place before evidence is collected, to allow it to be taken out for independent analysis to an institution in a country not a party to the conflict.

18. The support of UNPROFOR was essential to the success of all on-site investigations. It would be extremely difficult to conduct any on-site investigation without such support. The support of the Royal Netherlands Army (UNPROFOR Support Detachment) was essential in connection with the excavation projects and the radiological survey and extremely helpful in connection with all other projects. It is unlikely that a substantial excavation project could be carried out in future without the assistance of a unit similar in composition, equipment, and quality to the Royal Netherlands Army.

II. WCIT REPORT OF INVESTIGATIVE ACTIVITY AT OVČARA

19. In December 1992, the United Nations sponsored an on-site investigation of an alleged mass grave at Ovčara near Vukovar, UNPA Sector East, territory of the former Yugoslavia. PHR determined that there appeared to be a mass grave containing up to 200 bodies. The report relating to this activity is attached.

20. In October 1993, a medicolegal team consisting of PHR, WCIT, and the UNPROFOR Dutch military members were dispatched to investigate the site fully.

21. The team arrived on site at 12:35 p.m., on 20 October 1993. The site is located approximately six kilometres from the town of Vukovar, in a rural area. The site has been cordoned off with concertina wire, and was under the guard of RUSBAT UN troops, located in a guardhouse approximately 50 metres from the site. In attendance at the scene were Major Holland (Canadian Forces Legal Officer), Drs. Calabrese, Doretti, Fondebrider, Haglund, Hartley, McClurkan, Schmitt, and Scott and Mr. Stover of PHR. Also in attendance were members of the UNPROFOR Dutch Support Unit, as well as UN Commission of Experts member, Mr. Fenrick, and Lieutenant-Colonel Kempenaars, Dutch Military Lawyer, Assistant to the Commission.

22. Utilising an electronic surveying theodolite equipped with a SDR33 data collector (serial number F253137), Dr. Scott surveyed and mapped the perimeter of the suspected grave. This device allows the computerized recording of the topography, and can be used to map and graph items or artifacts located in the area.

23. Upon completion of the perimeter survey, the wire was removed and the scene entered. It was noted that the enclosed area was knee-high in grass and vegetation, making it difficult to locate surface artifacts. A number of

empty cartridge casings were located and marked by way of a pinflag. Twenty-seven empty casings and two items of cloth/clothing were located, mapped, seized and held as evidence. These items (Evidence items 2000-2027) have been forwarded to the forensic laboratories of the Royal Canadian Mounted Police (RCMP) for analysis. Vegetation was removed from the interior of the scene. Photographs and video-tape of the investigation were taken by Dr. Doretti, and are held by the investigators. At the conclusion of each work day, the barbed wire was closed, and the site remained under guard of the RUSBAT troops.

24. On 21 October 1993, evidence items 2028 to 2064, inclusive, were seized from the scene. These items consisted almost exclusively of shell casings, and one live round of unidentified calibre.

25. At 10:12 a.m., 21 October 1993, a Belgian UNPROFOR mine team arrived and commenced checking the area for unexploded ordinance. While this was being done, investigative and forensic work was conducted only in the declared safe area.

26. At 8:50 a.m., on 22 October 1993, the scene was re-opened and work commenced. At 9:18 a.m., the minesweeping team arrived and commenced operations, including topographic mapping of the area and metal detection sweeps of the ground and trees.

27. At 10:15 a.m., on 22 October 1993, the Commission's Rapporteur for On-site Investigations, Mr. Fenrick, attended the scene and advised that permission to conduct the on-site investigation had been withdrawn by the local Serb administration. Therefore, because work was to cease, the scene was evacuated, and the team departed.

28. The ordinance and other items of real evidence collected at the scene are secured at UNPROFOR Headquarters in Zagreb, at the disposal of the Office of the Prosecutor of the International Criminal Tribunal at The Hague.

Part Two

I. EXECUTIVE SUMMARY

29. In December 1992, a four-member forensic team, assembled by PHR, conducted a preliminary site exploration of a burial site approximately six kilometres south-east of the city of Vukovar, in the territory of the former Yugoslavia. In its report 2/ to the United Nations Commission of Experts, the team concluded, inter alia, that the grave was "a mass grave, containing perhaps as many as 200 bodies". The team also concluded that the grave appeared to be consistent with witness testimony purporting that the site was "the place of execution and interment of the patients and medical staff of Vukovar Hospital on 20 November 1991". The team recommended that a second, larger forensic team should return to excavate the grave and remove the bodies for medicolegal examination.

30. In October 1993, a second PHR team returned to the former Yugoslavia to undertake the complete excavation of the mass grave. On 20 October, the forensic team travelled to the gravesite, located in an isolated, wooded area south-east of the farming village of Ovčara, near Vukovar (UNPA Sector East). Prior to their arrival at the site, the team had received written permission to conduct the excavation from the Governments of Croatia and the RSK. However, on 22 October, local Serb officials informed the team that the Regional Council of Vukovar had passed a resolution prohibiting further work at the site. The officials said that military forces had been ordered to

enforce the Council's resolution. That same day, the team left the site. Soon thereafter, the team joined another PHR forensic team working in UNPA Sector West.

31. As the local Serb administration forced the PHR team to leave the Ovčara site, no exhumations could be undertaken. However, the team was able to confirm that 7.62 by 39 millimetre cartridge cases were near the grave. In addition, the surface distribution of the cartridge cases confirmed the earlier finding that a mass execution had taken place at the gravesite.

32. The PHR team had intended to return to the Ovčara site in April 1994 to excavate and remove the bodies for medicolegal examination.

II. INTRODUCTION

33. From 20 to 22 October 1993, a ten-member international forensic team, assembled by PHR, conducted a exploration of a mass grave near the city of Vukovar, in the former Yugoslavia (see Appendix A). The investigation was carried out in collaboration with a Canadian team of lawyers and military policemen. A detachment from the Dutch military provided the PHR team with logistical and technical support.

34. The team had intended to excavate the mass grave, which is located in the farming village of Ovčara, near Vukovar (UNPA Sector East), over a period of weeks. However, on the third day of the investigation, the local Serb administration ordered the team to leave the site under threat of force. The team withdrew from the Sector and later joined another PHR forensic team working in UNPA Sector West.

35. As of December 1992, PHR has conducted medicolegal investigations of apparent war crimes in the territory of the former Yugoslavia on behalf of the Commission under a Cooperation Service Agreement concluded between PHR and the United Nations. The Commission is charged under UN Security Council Resolution 780 (1992) to collect and analyse evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia.

36. PHR first investigated the Ovčara site in December 1992. During that investigation, two skeletonized individuals, bearing gunshot wounds to the head, were recovered from the surface and nearby the gravesite. A shallow test trench, or "sondage", dug across the gravesite revealed nine more bodies. In addition, a large concentration of spent 7.62 by 39 millimetre cartridge cases were found in the burr bushes, in a pattern west to north-west of the gravesite. Based on the preliminary site exploration, the PHR forensic team concluded:

(a) a mass execution took place at the gravesite;

(b) the grave is a mass grave, containing perhaps as many as 200 bodies;

(c) the remote location of the grave suggests that the executioners sought to bury their victims secretly;

(d) there is no indication that the grave has been disturbed since the time of execution and interment;

(e) The grave appears to be consistent with witness testimony that the site is the place of execution and interment of the patients and medical staff members, who disappeared during the evacuation of Vukovar Hospital on 20 November 1991. However, before that determination can be made with scientific certainty, the grave will need to be excavated and a number of bodies will need to be identified using forensic methods and procedures; and

(f) the fact that two bodies bore necklaces with Roman Catholic crosses--one bearing a small metal plate with the inscription "BOG I HRVATI" (God and Croatians)--suggests that the grave is likely to contain the remains of Croatians.

37. The following report describes the activities carried out by the PHR forensic team at the Ovčara site from 20 to 23 October 1993.

III. FIELD REPORT

A. Site preparation

38. At the time of the PHR forensic team's arrival, on the afternoon of 20 October 1993, the site was secured with two rows of concertina wire and guarded by a Russian contingent of UNPROFOR. The guard station is approximately 40 metres north-east of the site. The gravesite was indicated by a depression, situated at the head of a ravine. The relatively flat lands immediately adjacent to the site were in agricultural production.

39. The team first walked the perimeter wire to ascertain the condition of the site. The gravesite was observed to be overgrown with rank, weedy vegetation. Thistle and cocklebur were observed, as well as a variety of other tall weeds. Some vegetation extended to a height of 1.5 metres. This is all indicative of the revegetaring of previously disturbed land.

40. After ascertaining the site condition, Canadian military police personnel, with the aid of Russian UNPROFOR soldiers, created an access point in the wire perimeter near the north-east corner. All ingress and egress to the site was monitored by military police personnel.

41. After gaining access to the site, three tasks were carried out simultaneously. One was the placement of the mapping datum, the second was initial clearing of the vegetation on and around the gravesite, and the third was photographic documentation of the site and the investigation.

B. Methods

42. Electronic Mapping Procedures. A professionally recognized archaeological mapping procedure was used to map the site, the grave pit, associated artifacts, natural and cultural features, and features of the previous excavation unit. The mapping procedure was enhanced by the use of an electronic data recorder, which allowed a high degree of precision in individual measurement and data logging. Precise location control was accomplished through the use of a total station theodolite and electronic data collector. The instrument was a Lietz SET5A total station theodolite with an SDR33 electronic data recorder. Each theodolite shot was recorded on the data recorder and given a previously established identification code. The specific artifact number was provided by the SDR33 used in auto-generate point mode. The electronic data recorder is equivalent to a surveyor's fieldbook.

43. A primary datum was established as a mapping control point at a convenient location on the site. This datum, numbered 1, was given the arbitrary coordinates of N100/E100 and an elevation of 120. Datum 2 was

established 3.9 metres west of datum 11 and was used as an orientation and backsite datum for all readings taken from this location.

44. The absolute location and elevation of datum 1 was established by readings taken with a Global Positioning System Unit, utilizing the WGS-84 datum. Datum 1 is located in UTM Zone 34, N5017695, E347778, and the elevation is 120 metres above mean sea level.

45. One subordinate datum was established, numbered 3, north of site to provide another check for accurate orientation of the theodolite.

46. The electronic mapping equipment was utilized to capture raw data, including horizontal angle, vertical angle, slope distance and elevation, for each reading taken. Each reading was automatically converted to coordinate position by the SDR33 data collector.

47. Data collected to generate the electronic map included, but was not limited to, locations of: excavation unit boundaries, artifacts found by metal detecting outside the excavation limits, and relevant cultural and natural features.

48. Each artifact found was piece-plotted as follows. The instrument was set up on datum 1, and distance, azimuth and coordinate point readings for each artifact location were recorded electronically. Distance was read to the nearest one millimetre, as well as the north and east coordinate.

49. At the conclusion of each day's field investigations the data collector was downloaded to a Dell 325N laptop computer containing the software MAP. The resultant computer file was then transferred to the software AUTOCAD for storage and final site map production.

50. Photographic Recording Procedures. Photography was conducted at the Ovčara site using both still and video cameras. Log books were used to record film numbers and to describe the activity being recorded on film. The log books were given to the Canadian military police at the site immediately after each roll of film or video tape was taken from the camera and labelled by the photographer.

51. Still photography at the Ovčara gravesite was begun by taking overview images of the site from various directions prior to the investigating team entering the concertina wire surrounding the site. Both colour transparency and black and white film were used. After an entrance way through the wire was established, photographs were taken of the investigative team clearing the site of vegetation and of those mapping the topographic contour and surface physical evidence. Photographs were taken of the site at the end of each day, after investigation personnel had left the site, and at the beginning of each work day, prior to personnel entering the site. Photographs, both colour transparency and black and white, were taken of selected physical evidence found in situ on the ground surface, and of bullet scars observed in trees at the site. In many cases, photographs of bullet scars and physical evidence were taken using a tripod-mounted camera. Plastic measurement scales (metric) were placed in each of these images.

52. The main purpose of the video documentation was to record the methods and procedures used in the medicolegal investigation of individual and mass graves. At various points during the investigation, experts in charge of specific areas of the work explained in front of the camera the procedures and objectives of each step. The investigators described the archaeological procedure used, how evidence was mapped and collected, and what chain of custody measures were taken.

53. Surface Inventory and Metal Detecting Procedures. The surface inventory was designed primarily to locate cartridge cases for use in firearms examination procedures. This effort was enhanced by the use of an electronic metal detector, a Fisher model 1235-X with a 30 centimetre diameter coil. Visual inspection of the surface was carried out concurrently with the metal detector sweeps.

54. The operator of the metal detector transected the site using a sweeping motion to examine the ground. A pin flag was placed at each target site identified visually or by detector signal.

55. The vegetation was cleared by pulling the stalks out of the ground or cutting them off near ground surface. The primary goal was to leave the ground surface intact. As the vegetation removal was occurring, a visual inspection of the site was made. The ground surface was littered with a variety of trash. (This trash was previously noted in the preliminary site exploration in December 1992).

56. The perimeter of the gravesite, which was visible during the December 1992 site exploration, was less visible by 20 October 1993. Natural slumping and vegetation growth had obscured the clearly visible details observed in December 1992. However, a disturbed and severely undulating area demarking the grave was visible, as was the line of the December 1992 test trench cut across the site.

57. After the vegetation clearing began, a Belgian mines clearance team with UNPROFOR arrived and conducted a visual clearing of the area north-west of the gravesite. They also worked to the south of the grave and returned a second day and worked to the south-west of the grave, until halted by orders to leave the site. The demining team pulled or removed some vegetation during their visual clearing operation.

58. All vegetation cleared from the site was removed by team personnel through the access point. It was removed to a pile area approximately 20 metres north to north-east of the site. After clearing the vegetation, team members visually observed the surface and identified cartridge cases and other artifacts found laying on the surface. No subsurface digging was undertaken.

59. Sixty-one cartridge cases (Field Specimen numbers 2000 to 2020, 2023 to 2028, 2030 to 2060, 2062 to 2064, and one live round of 7.62 by 39 millimetre ammunition, which is 2061, were found west to north-west of the gravesite. The location of each was recorded by using the electronic mapping procedures. Each item was collected and bagged by the Canadian military police. Each plastic bag contained one item which was labelled with the same number as generated by the SDR33. The bag was sealed by the MP team, and the artifacts were retained in MP custody at all times. The only other artifacts collected were two pieces of cloth and an unidentified object. These items may be intrusive trash and unrelated to the grave episode. However, their surface context was associated with the cartridge case concentration, so it was deemed appropriate to collect the specimens.

60. The cartridge cases appeared to fall into two clusters. One is from two to 10 metres west to north-west of the grave pit and the other is 12 to 15 metres west to north-west of the grave pit. The clusters may be artificial in that these were just the visible surface artifacts. Due to the team's expulsion from the site on 22 October, the surface investigation was left incomplete and no subsurface investigations were undertaken. Thus, the gap between the artifact clusters may be more apparent than real and only additional work can determine the real situation.

61. Two other activities were carried out at the site prior to the team's withdrawal. One was the photographic recording of the site and the vegetation clearing operation. Within the context of the photographic recording, several trees believed to bear evidence of bullet scarring were also recorded by utilizing forensic scales. These trees are to the south-west of the grave pit and at the edge or in the ravine that heads the grave pit.

62. The final task that was begun prior to the withdrawal was the initiation of recording topographic elevation points for use in constructing a site contour map. Thirty-six elevation points were recorded on 21 October. Plans were to continue to record elevation points on 22 October, but the team withdrew from the site before the data could be recorded.

IV. CONCLUSIONS AND RECOMMENDATIONS

63. Inasmuch as the local Serb administration forced the forensic team to leave the site, no formal exhumations could be undertaken. This investigation confirmed the presence of a large concentration of spent 7.62 by 39 millimetre cartridge cases. In addition, the surface inventory and mapping of the cartridge cases suggests that there is a patterned distribution to the firearms data. Further investigations are needed to explicate fully the relationship between the grave and the cartridge cases. However, the surface distribution of the cartridge cases confirms the earlier findings that a mass execution took place at the gravesite.

64. To complete the medicolegal investigation of the Ovčara site, the following activities will need to be undertaken:

(a) completion of the metal detecting, collecting and recording of firearms-related evidence at the site;

(b) completion of the forensic firearms identification of the cartridge cases and bullets recovered at the site;

(c) completion of the detailed mapping of the grave pit and contents as well as determining the relationship of the firearms evidence with the deposition of the bodies; and

(d) completion of the exhumation and, to the extent possible, the identification and determination of cause of death of the human remains buried at the site.

V. ACKNOWLEDGEMENTS

65. This report is based on a second site exploration of a mass grave at Ovčara near Vukovar (UNPA Sector East), in the territory of the former Yugoslavia, from 20 to 22 October 1993. The report was written by Douglas D. Scott, Ralph Hartely, and Eric Stover. Laura Reiner provided administrative support in Boston, Massachusetts, U.S.A.

66. Members of the forensic team were:

(a) Eric Stover, forensic team leader and executive director of PHR, Boston, Massachusetts, USA;

(b) Mercedes Doretti, forensic archaeologist with the Argentine Forensic Anthropology Team, Buenos Aires, Argentina.

(c) Burnie McClurkan, archaeologist and historian with the Arkansas Highway and Transportation Department, Little Rock, Arkansas, USA;

(d) Douglas D. Scott, Ph.D., archaeologist with the Midwest Archaeological Center, National Park Service, Lincoln, Nebraska, USA;

(e) Stephan Schmitt, forensic archaeologist with the Guatemalan Forensic Anthropology Team, Guatemala City, Guatemala;

(f) Melissa Connor, Ph.D., archaeologist with the Midwest Archaeological Center, National Park Service, Lincoln, Nebraska, USA;

(g) Ralph Hartley, Ph.D., archaeologist with the Midwest Archaeological Center, National Park Service, Lincoln, Nebraska, USA;

(h) William D. Haglund, Ph.D., forensic anthropologist with the King County Medical Examiner Division, Seattle, Washington, USA;

(i) Francis A. Calabrese, Ph.D., archaeologist with the Midwest Archaeology Center, National Park Service, Lincoln, Nebraska; and

(j) Luis Fondebrider, forensic archaeologist with the Argentine Forensic Anthropology Team, Buenos Aires, Argentina;

67. PHR wishes to thank its members and several foundations and companies for their support of the organization's work in the territory of the former Yugoslavia: Soros Yugoslavia Fund, Rockefeller Foundation, Smith-Richardson Foundation, The New Land Foundation, Joyce Mertz-Gilmore Foundation, John Merck Fund, Lufthansa Airlines, Kamp Air Freight, Miles Dental Products, Henry Schein Company, Baxter Health Care Hospital Supply, Shandon Lipshaw, General Electric Medical Systems, Sokkia Corporation, Polaroid Corporation, AGFA Corporation, AGFA Compu Graphic, United Parcel Service and Vista Travel. PHR also is grateful to the US Government, which contributed equipment and supplies to the Commission for use during the medicolegal investigation.

68. PHR gratefully acknowledges the superb logistical and technical support provided by the UNPROFOR Dutch Support Unit.

Notes

1/ The War Crimes Investigation Team (WCIT) consisted of military personnel from the Canadian Office of the Judge Advocate General as well as military investigators who were seconded from Canada to the Commission of Experts for this specific mission. Similar teams were also seconded by Canada to the Commission for other missions. Such teams were referred to within the Commission and for purposes of its reports as the Canadian War Crimes Investigation Team.

2/ See Annex II, Physicians for Human Rights, "Report of a Preliminary Site Exploration of a Mass Grave Near Vukovar, Former Yugoslavia", in "Letter dated 9 February 1993 from the Secretary-General addressed to the President of the Security Council", S/25274, at 25-64 (10 February 1993).

FINAL REPORT OF THE UNITED NATIONS COMMISSION OF EXPERTS ESTABLISHED PURSUANT TO SECURITY COUNCIL RESOLUTION 780 (1992)

ANNEX X.B
MASS GRAVES - PAKRAČKA POLJANA, UNPA SECTOR WEST, CROATIA

Prepared by:

William J. Fenrick
Member and Rapporteur on On-Site Investigations,
Commission of Experts Established Pursuant to
Security Council Resolution 780 (1992)

Contributors:

Major J. Holland, Canadian Armed Forces; Member of
Canada's Contributed Personnel to the Commission of Experts

Major P. Olson, Canadian Armed Forces; Member of
Canada's Contributed Personnel to the Commission of Experts

Members of Canada's Contributed Personnel to the
Commission of Experts (Canadian War Crimes Investigation Team)

Members of Netherland's Contributed Personnel
to the Commission of Experts (Royal Netherlands Army)

and

Physicians for Human Rights,
Consultants to the Commission of Experts

CONTENTS

PART I

		Paragraphs	Page
I.	INTRODUCTION	1 - 13	4
II.	INTERIM REPORT OF THE WCIT	14 - 95	6
	A. Background	17 - 22	6
	B. The investigation by WCIT and PHR at site "C"	23 - 54	7
	1. The allegation of a mass grave of 1700	23 - 40	7
	2. Skeletal remains at feature 1A	41 - 43	11
	3. The bank of the stream	44 - 54	11
	C. Summary of investigative procedures	55 - 59	12
	D. Additional investigation of surrounding areas	60 - 68	13
	E. Logistics and support	69 - 71	14
	F. Conclusions	72 - 95	14
	1. Recommendations	81	15
	2. Equipment	82 - 84	15
	3. Personnel	85 - 89	16
	4. Location of gravesites	90 - 92	16
	5. Methodology	93 - 94	17
	6. Support	95	17
III.	INVESTIGATION REPORT OF THE WCIT	96 - 150	17

PART II

		Paragraphs	Page
I.	EXECUTIVE SUMMARY	151 - 154	28
II.	INTRODUCTION	155 - 163	30
III.	ARCHAEOLOGICAL FIELD REPORT	164 - 254	31
	A. Site description	164 - 170	31
	B. Methods	171 - 187	32
	1. Electronic mapping procedures	171 - 175	32

CONTENTS (continued)

				Paragraphs	Page
	2.	Photographic recording procedures . . .		176 - 179	33
	3.	Surface inventory and metal detecting		180 - 182	34
	4.	Locating remains by probing		183	34
	5.	Excavation of remains		184	34
	6.	Removal of remains		185 - 187	35
C.	Findings			188 - 254	35
	1.	Features other than graves investigated		188 - 189	35
	2.	Excavation of graves at site C		190 - 244	35
		(a)	Grave C1A	191 - 195	36
		(b)	Grave C10	196 - 201	36
		(c)	Grave CS1	202 - 208	37
		(d)	Grave CS2	209 - 214	38
		(e)	Grave CS3	215 - 219	39
		(f)	Grave CS4	220 - 229	39
		(g)	Grave CS5	230 - 235	40
		(h)	Grave CS6	236 - 241	41
		(i)	Grave CS7	242 - 244	41
	3.	Surface artifacts		245 - 248	41
	4.	Additional investigations		249 - 254	42
IV.	PRELIMINARY POSTMORTEM EXAMINATION OF REMAINS . . .			255 - 258	43
V.	FINDINGS AND OBSERVATIONS			259 - 261	44
VI.	ACKNOWLEDGEMENTS			262 - 265	45

Part One

MASS GRAVE INVESTIGATION AT PAKRAČKA POLJANA, UNPA SECTOR WEST, CROATIA

I. INTRODUCTION

1. During a March 1993 reconnaissance mission, the Commission became aware of the need to conduct a second mass grave excavation at a site which would probably contain Serb bodies. This second excavation was necessary in order to balance the Ovčara excavation, which would probably be found to contain Croatian bodies. At the same time the Commission was informed by UNCIVPOL members of a number of probable clandestine gravesites near Pakračka Poljana in UNPA Sector West which were believed to contain a large number of Serb bodies. For reasons related to the security of the sites and of potential witnesses, the Commission avoided visiting the sites at that time.

2. In October 1993, when the Commission was in a position to conduct a mass grave excavation, it decided to have Physicians for Human Rights (PHR) conduct a preliminary site survey at Pakračka Poljana to confirm the existence of a mass grave. At the time this decision was taken, it was the opinion of the On-site Rapporteur that the Pakračka Poljana location was the location in the UN Protected Areas (UNPAs) most likely to be the site of a mass grave containing Serb victims.

3. Given a UNCIVPOL member's description of the suspected grave sites, the Canadian War Crimes Investigation Team members operating in Pakračka Poljana, along with the forensic experts from PHR, concentrated their investigation on the line of 17 trenches along the field, and then on the independent graves alleged to be located along the stream at the end of that field.

4. From 20 October to 9 November 1993, the Commission deployed members of the PHR international forensic team, the Canadian War Crimes Investigation Team (WCIT) 1/ and the Dutch UNPROFOR Support Detachment to the area. The numbers of each group's members varied over time, as persons were shifted from the Ovčara site to Pakračka Poljana.

5. The Commission received a particularly high level of support from UNPROFOR during this particular investigation.

6. A lengthy report was prepared by PHR concerning this investigation and two reports were also prepared by the WCIT. The WCIT's Interim Report and the WCIT's Investigation Report follow. The PHR report can be found at Part 2 of this annex.

7. The PHR forensic team reached the following conclusions:

(a) Nineteen individuals (16 males, three females) were buried in nine separate graves in a field south of Pakračka Poljana. The graves were shallow and appeared to have been dug by hand. Leaves found in the bottom of some graves and the clothing on several individuals, including heavy jackets and sweaters, suggests that burials took place in the autumn or early winter;

(b) The area around the graves was used as an execution site. Expended .22 calibre, .25 calibre, 9 millimetre calibre, and 7.62 by 39 millimetre calibre cartridge cases were found adjacent to six of the graves. Expended rounds were also found near some of the bodies or were recovered from clothing. Five of the bodies had their hands tied with rope. Other bodies had their hands together, sometimes in extremely awkward positions, but no rope was found during the excavations. It is possible that the hands had been bound but that the binding was made of a natural fibre that disintegrated. Fifteen of the bodies exhibited gunshot wounds to the head; two had blunt head trauma; one had multiple gunshot wounds to the arm and leg; and one had massive head trauma;

(c) The nine graves are clandestine burials. The isolated location of the graves suggests that the executioners intended to bury their victims secretly. The graves were within a short distance of a road that could be accessed by a truck or other vehicle. The graves were also adjacent to large, woody vegetation that screened the area from at least one direction; and

(d) There was no indication that the graves had been disturbed since the time of internment.

8. There were 143 items of potential evidentiary significance which were identified, tagged and secured at the Pakračka Poljana site by the Canadian War Crimes Investigation Team.

9. As indicated at some length in the WCIT Legal Report referred to at paragraph 6, although the Pakračka Poljana site was believed to be the site of mass graves containing up to 1,700 bodies, the site was examined with considerable care and the very firmly based conclusion was reached that this belief was erroneous.

10. On 9 November 1993, the 19 exhumed bodies were placed in body bags, together with preservatives, chemicals, and reburied at a site immediately adjacent to an UNPROFOR observation post. Before this step was taken, some consideration was given to the possibility of conducting an autopsy examination of the bodies to establish identification and the cause/manner of death and to the possibility of gathering some additional ante-mortem information by interviewing selected persons in the area. These activities were not undertaken owing to previously expressed RSK concerns that post mortems not be done in Croatia, the difficulty of obtaining a suitable morgue facility, and that the time factor and personnel resources would not permit the intensive effort required to conduct a criminal investigation and to gather all available ante-mortem information.

11. The Pakračka Poljana project was the most successful project in terms of achieving the goal stated in the plan of action. From 20 to 25 October 1993, there was one lawyer and one military police member assigned to this project. This was augmented by additional military police personnel after the suspension of the Ovčara project.

12. The following lessons were learned from the Pakračka Poljana project:

(a) the persons selected to complete this work must have not only the appropriate background and training, but must also use their own initiative to determine on the spot what action should be taken to achieve long-term goals. For example, Major Pat Olson who acted as the co-ordinator at the Pakračka Poljana site, when it became apparent that there was little likelihood of bodies being in the alleged mass graves, on his won initiative, obtained a backhoe to excavate. He arranged for an international verification team to certify the results of the excavation; and he had a video made of the excavation before the holes were refilled; and

(b) that on-site investigations are absolutely necessary to confirm the validity of allegations. Before this on-site investigation there were allegations up to 1,700 victims were buried at this site. This has been proven untrue. Indeed, some groups have expressed their displeasure at the investigation establishing that people in those numbers are not buried there. Presumably for propaganda purposes 1,700 is a more useful number than 19. It will be critical from the point of view of prosecution that allegations be proven to have a factual basis. If an allegation like this were to be included in an indictment without the necessary on-site work done to back it up, then the whole credibility of the prosecution could be undermined when the allegation was proven to be untrue. Although 19 is also a shocking number, the discrepancy in numbers is so significant that it could, and probably would, put everything else in doubt. This is the case not only for mass-grave scenarios, but for any prosecution.

13. The support of UNPROFOR was essential to the success of all on-site investigations. It would be extremely difficult to conduct any on-site investigation without such support. The support of the Royal Netherlands Army (UNPROFOR Support Detachment) was essential in connection with the excavation projects and the radiological survey and extremely helpful in connection with all other projects. It is unlikely that a substantial excavation project could be carried out in future without the assistance of a unit similar in composition, equipment and quality to the Royal Netherlands Army.

II. INTERIM REPORT OF THE WCIT

14. To assist the Commission of Experts, established pursuant to U.N. Security Council Resolution 780 (1992), in the execution of its mandate, a War Crimes Investigation Team (WCIT) was provided by Canada. Two of the members of this team, Major P.J. Olson, a legal officer, and Sergeant J.L. Lamothe, a military police special investigator, were assigned to UNPA Sector West to investigate the allegation of a mass grave at the town of Pakračka Poljana. This sub-team was later supplemented by the addition of Warrant Officer S. Murray-Ford, also a military police special investigator. Major J. Holland, a legal officer, headed the sub-team after the departure of Major Olson.

15. The original mandate of the sub-team in UNPA Sector West was to participate in an on-site investigation. They were to ensure that the collection of any evidence relating to mass graves was performed in such a manner as to ensure, to the extent possible, that such evidence would be acceptable to an International Criminal Tribunal established to try individuals accused of having committed war crimes.

16. This report concerns the activities of the sub-team assigned to Pakračka Poljana. As a technical report will be submitted by PHR, which was also assigned to Pakračka Poljana, the purpose of the present report is to give an overview of the investigation. Where an observation of a scientific nature in this report conflicts with any part of the PHR report, the latter report should be given preference. In addition, a report has been completed by the military police special investigators present that will include details as to the precise evidence collected and its manner of collection, recording, and preservation.

A. Background

17. In December 1992, a member of the Royal Canadian Mounted Police attached to the United Nations Civil Police (UNCIVPOL) received an informant's report that there was rumoured to exist a mass grave in the area of Pakračka Poljana. This grave was alleged to contain the remains of approximately 200 Serbs and to be located between Pakračka Poljana and Gaj, in the forest, near the railway tracks.

18. After collecting further information, the UNCIVPOL member concluded that he had located three grave sites in the area. He visited these sites on 9 February 1993. In his report, the UNCIVPOL member described site "A" as the smallest of the three sites. There he observed skeletal remains of at least three bodies and various clothing and debris on top of the ground. He described site "B" as containing two graves, each measuring about five feet by six feet. No human remains were observed at this site.

19. Site "C" was described as the largest site and was observed on 9 February 1993 to contain "two large filled in trenches, each approximately 20 metres by four metres". The UNCIVPOL member reported that each of these trenches was alleged to contain at least 100 bodies. He reported that in the vicinity of these trenches, there were also approximately eight other independent graves, although the number of bodies they were alleged to contain was unknown. The location of these independent graves was described as being at the end of the field in which the trenches were located, along the upper bank of a stream.

20. Subsequent to his 9 February 1993 inspection of sites "A", "B", and "C", the UNCIVPOL member reported that the graves at sites "A" and "B" had been cleared out by unknown parties. He also reported that his inspection of site "C" on 4 May 1993 now indicated that there were not two, but 17 features that appeared to be graves along the length of the field in which the first two trenches were previously observed. His report of 12 May 1993, submitted to UNCIVPOL, speculated that if each of theses trenches were graves, and that if each grave contained 100 bodies, then site "C" would contain as many as 1700 bodies.

21. It is noteworthy that a document entitled Death Camps and Mass Graves in Western Slavonia: Marino Selo and Pakračka Poljana, distributed by the Serbian Council Information Centre in August 1993, states that "In Pakračka Poljana, some 1,700 ethnic Serbs were murdered and buried there in 17 large (approximately 20 metres by five metres) and several tenths (approximately two by three metres) graves...". That document suggests that the existence of the graves is known to UN officials and that maps of them "were produced as a result of a long-term investigation headed [by the UNCIVPOL member] and his associates." It appears that the allegation, which began as a report of a grave containing 200 bodies, became significantly enhanced following the initial investigation by the UNCIVPOL member. The estimate of 1,700 bodies seems to have originated with the UNCIVPOL member's calculation, referred to at paragraph 7 above.

22. Given the UNCIVPOL member's description of the suspected grave sites, the War Crimes Investigation Team members operating in Pakračka Poljana, along with the forensic experts from PHR concentrated their investigation on the line of 17 trenches along the field, and then on the independent graves alleged to be located along the stream at the end of that field.

B. The investigation by WCIT and PHR at site "C"

1. The allegation of a mass grave of 1700

23. The WCIT, consisting of Major Olson and Sergeant Lamothe, arrived with five members of PHR at site "C" on 20 October 1993. As a precautionary measure, the area around the first two trenches at the north end of the field was cleared by mine detectors provided by the Jordanian Army Unit located at UN Checkpoint 14. That Jordanian Unit had also been providing security of the site before the arrival of the WCIT and PHR and continued to provide site security for the duration of the investigation.

24. For the remainder of this report, the disconformities in the landscape, initially suspected of being graves, will be referred to as "features". The features identified by the UNCIVPOL member as 17 trenches appeared, on closer inspection, to comprise 23 features, running in a north-south direction along the field, parallel to the road. These features will be referred to as features 1 to 23, with feature 1 situated at the north end of the field.

25. After the area around features 1 and 2 were cleared for mines, Sergeant Lamothe demarcated both features with yellow police tape to indicate that the area was a crime scene and that access was restricted to those involved in the investigation.

26. Once the area was demarcated, Sergeant Lamothe recorded the appearance of features 1 and 2 through still photographs and video recordings. Following this procedure, the team from PHR commenced preparation of a test trench at feature 1. This test trench, measuring approximately one metre wide, by two metres long, by one metre deep, was dug by hand with a shovel. Once this process was underway, a second test trench, at feature 2 was commenced.

27. On 22 October, while the test trenches at features 1 and 2 were in progress, Major Olson led a survey party, consisting of himself, Sergeant Lamothe, and Lieutenant H. Jongen, a veteran member of the War Graves Service (Royal Netherlands Army), on an investigation of the remainder of the features along the field, south of features 1 and 2. The purpose of the survey was to record the approximate dimensions of the features, as well as the distances between the features, and to determine the extend to which these features should be investigated.

28. As the survey party progressed, Lieutenant Jongen prodded the ground to determine where the earth had been disturbed and whether there were indications of objects buried below the surface. At feature 10, the three members of the survey team noted that the disconformity on the surface was more pronounced than that observed at features 3 to 9. That is, the feature was characterized as a mound of earth protruding above the normal level of the surrounding ground and the vegetation covering it was dissimilar to that covering features 3 to 9. Feature 10 was similar in appearance to features 1 and 2, but was approximately four metres long by two metres wide, considerably smaller than features 1 and 2.

29. Lieutenant Jongen prodded the earth with a "pricker", a thin iron rod about a metre long, and made contact with a hard substance below the surface. Upon withdrawal of the pricker, he stated that he smelled the odour of human remains on that device. As a result, a number of forensic experts from the PHR team, including Dr. Clyde Snow, were requested to attend at feature 10.

30. The appearance of feature 10 was recorded by still photographs and by video recordings by Sergeant Lamothe, and the area was explored by metal detector. Within two minutes of digging by shovel, evidence of human remains was uncovered. As a result, Sergeant Lamothe demarcated the area as a crime scene and the Jordanian Army provided site security for this location. By 27 October, the excavation of this feature had been completed revealing two bodies apparently clad in military uniform. The progress of the excavation was recorded by Sergeant Lamothe, using both still photographs and video recordings. In addition, evidence such as cigarette filters removed from the grave and soil samples were placed in evidence bags by Sergeant Lamothe, sealed with tape used for such purposes in police investigations, and marked as evidence. Sergeant Lamothe logged each such piece of evidence in an evidence register and secured the evidence in a locked container. (On 27 October, the two bodies were removed to the temporary morgue facility established at site "C".)

31. While excavation of feature 10 progressed, it became apparent through the test trenches at features 1 and 2 that it was unlikely that those features contained human remains. A conversation between Dr. Marko Šimunović of the PHR and a local boy, and a conversation between Major Olson and the farmer who had farmed that field for the past three years, appeared to confirm Major Olson's view that the series of disconformities running in a north-south direction along the west side of the field may have been a line of defensive trenches dug by the Croatian forces. These trenches were apparently dug between September and November 1991. This supposition is supported by the configuration of the line of trenches, particularly in the apparent regular spacing between the trenches, and the manner in which features 11 and 12 are angles at the edge of a lightly forested area.

32. Further, the suggestion that features 1 to 23 may have comprised a series of defensive military trenches is consistent with the archaeological evidence from the test trenches at features 1 and 2. From the test trenches, outlines of the original trenches could be observed, and it was clear that the dimensions of those trenches were much smaller than the disconformity on the surface of the ground. That the disconformity in the ground is larger than the original trench may be explained by the fact that, in the digging of the original trenches, earth would be thrown in each direction, thereby expanding the area of ground that would later appear to have been disturbed.

33. Inasmuch as there were 23 such features, Major Olson considered it necessary to excavate each one to ascertain whether any or some contained human remains. Without such excavation, it was considered that the allegation of a grave containing as many as 1,700 people could not be effectively determined. The approach adopted was that although these may have been military trenches, they may nevertheless have been used later as graves, particularly in light of the discovery at feature 10.

34. Since the resources for digging by PHR were limited, Major Olson visited Lieutenant-Colonel Cantin, the officer in charge of the Canadian contingent at Camp Polom on 22 October and arranged for the use of a backhoe to excavate the remaining features along the side of the field. Excavation of these features by backhoe commenced on 23 October.

35. As feature 11, located to the south-east of feature 10 was similar to feature 10 in appearance, although somewhat longer, a preliminary examination of that feature was made by shovelling by hand. When no evidence of human remains was encountered, the backhoe continued the excavation of that feature. Following the excavation of that feature, feature 12 was excavated by backhoe. Following the completion of the test trenches at features 1 and 2, the backhoe was employed to excavate each of the remaining features, from feature 1 to feature 23.

36. The procedure followed for the backhoe excavation of these features was as follows:

(a) A member of the Dutch War Graves Service (either Lieutenant Jongen, Warrant Officer Bolle or Sergeant-Major Swerissen) would prod the ground with a pricker to determine the location of the original trench and would indicate to the backhoe operator where to dig;

(b) Depending on the dimensions of the feature, between two and five trenches were dug by the backhoe in each feature in a manner which intersected the original trench;

(c) Each backhoe trench was about two-thirds of a metre in width, about two to three metres in length, and about one metre in depth;

(d) Upon the completion of each backhoe trench, the member of the Dutch War Graves Service present would enter the trench and prod the bottom with a pricker to determine whether the backhoe had dug deep enough to reach the bottom of the original trench (this would be apparent from the density of the earth underneath);

(e) Any irregularities in the surface of the ground in the vicinity of these features were also excavated in this manner; and

(f) The digging of each trench was observed by Major Olson.

37. In total, 78 trenches were dug by the backhoe along the line of features referred to as features 1 to 23. With the exception of feature 10, which was dug by hand, absolutely no evidence of human remains were discovered in any of those trenches.

38. On 26 October, an ad hoc Verification Team was formed to inspect each of the 78 trenches dug by backhoe, as well as the two hand-dug test trenches. As none of the monitors designated by the "RSK" had visited the site, the team was assembled so as to include a level of technical expertise and as wide as possible an international representation. The members of the Verification Team were:

(a) Lieutenant-Colonel T. Kempenaars (Assistant to the Commission, Dutch Army);

(b) Major P. De Jonge (Dutch Army);

(c) Lieutenant H. Jongen (Dutch Army, War Graves Service);

(d) Major Bashir M. Abdel-Rahman (Jordanian Army);

(e) Major P. Olson (Canadian Forces); and

(f) Dr. W. Hagland (American forensic anthropologist with PHR).

39. At the conclusion of the inspection, the members were asked by Major Olson if they were satisfied that the trenches, with the exception of feature 10 and feature 1A (to be discussed in paragraphs 28 to 30), showed no signs of human remains. Each responded that he was satisfied. Each member was also asked whether he felt more excavation was necessary in order to be absolutely certain that there was no mass grave in features 1 to 23. Each responded that no further excavation was considered necessary.

40. On 28 October, Ms. Mercedes Doretti, a member of the Argentinian Forensic Anthropology Team (with PHR) recorded each of the exploratory trenches dug in features 1 to 23 by videotape while Major Olson narrated the process of the excavation for the record. (It should also be noted for the purpose of any future verification of the results of the excavation of features 1 to 23, that the backhoe operators, Mr. Lauri Liimatta and Mr. Erkki Mannisto, were both Finns from the Finnish Defence Construction Service at Camp Polom.)

2. Skeletal remains at feature 1A

41. On 23 October, while the excavation by hand at feature 10 and the excavation by backhoe at the remaining features were progressing, Lieutenant Jongen and Warrant Officer Bolle investigated, by means of the pricker described earlier, the west side of the line of features 1 to 23, closer to the tree-lined road. Less than two metres west of feature 1, they located with the pricker what they believed to be human remains.

42. Members of PHR were called to this feature, referred to as feature 1A due to its proximity to feature 1. It should be noted however, that feature 1A did not appear to be connected in any manner to the disconformity on the surface known as feature 1. In fact, apart from the softness of the earth detected by the members of the Dutch War Graves Service, there were no visible indications that feature 1A had been the subject of previous digging.

43. As excavation progressed at this feature by hand, fully skeletonized human remains were uncovered. The only clothing remaining was a pair of well-preserved "cowboy boots". A preliminary examination of the skull revealed a circular defect which appeared to be a bullet hole. A small item, appearing to be a bullet, was located near the head when the skeleton was exhumed on 27 October. This bullet was seized as evidence by Sergeant Lamothe and packaged and recorded in the same manner referred to in paragraph 17 above.

3. The bank of the stream

44. On 26 October, under the direction of Mr. Eric Stover of PHR, exploration began in the area referred to in the UNCIVPOL member's report as the end of the field, along the upper bank of the stream.

45. By this time, eight additional members of the PHR, including Mr. Stover, had arrived from UNPA Sector East to assist in the growing number of excavations. Also, Warrant Officer Murray-Ford, a member of the WCIT previously operating in UNPA Sector East, arrived at UNPA Sector West. His arrival was extremely timely, as at this point, there were three separate excavations in progress in different areas of site "C" and the demands for access control and evidence collection were increasing rapidly.

46. Examination of the area known as CS 1 (C for site "C" and S for stream) was made by means of pricker, by both the members of PHR and by the members of the Dutch War Graves Service. This examination revealed a grave located close to the stream, although there was little in the topography or vegetation to suggest that this area contained a grave.

47. The excavation of this area, under the supervision of Mr. Stover, revealed two relatively well-preserved human remains. One was laying on the top of the other. The body in the bottom of the grave was laying on its back with arms folded on its front, in what may be described as a common position for burial. However, the body on top appeared to have been placed in the grave in a more haphazard manner. Both bodies were clad in civilian clothing and appeared to be male.

48. Evidence was seized from this grave by Sergeant Lamothe and Warrant Officer Murray-Ford in the manner previously described. The progress of the excavation was recorded by video and still photography.

49. Exploration, in the same manner described in paragraph 33, was conducted in an area along the stream and a few metres to the east of CS 1, on the other side of a small bend in the stream. (The location of this area has been

referred to as CS 2 to CS 7.) This exploration suggested the presence of human remains along the bank of the stream. However, due to the size of the area concerned, the first layer of earth, to a depth of about 15 centimetres, was removed by backhoe.

50. Further excavation of this area by hand revealed what appeared to be five independent yet adjacent graves. In the grave at the east end of the area, known as CS 4 (the graves are numbered in accordance with the order in which they were discovered, rather than in order of their relative positions), four bodies, piled on top of each other, were discovered. Immediately to the west of this was CS 3, containing two bodies, then CS 5 containing two more, CS 2 which also contained two bodies, CS 6 which also contained two bodies, and CS 7 on the west end of the area, which also contained two bodies. In total, 14 bodies were located in CS 2 to CS 7.

51. The terrain around these graves were scanned by metal detectors, which uncovered a number of spent casings, as well as some live rounds, two coins and a wedding ring. The locations of items were plotted, by use of the Computer Assisted Drawing equipment by PHR members, and then secured as evidence, by Sergeant Lamothe and Warrant Officer Murray-Ford in the manner described earlier.

52. As with the remains in CS 1, the human remains discovered in CS 2 to CS 7 were clad in civilian clothing. In one instance, it appeared from the clothing that one of the bodies was that of a woman. Preliminary examinations of the skulls of a number of the remains indicated circular defects that were consistent with bullet wounds.

53. It should also be noted that the manner of placement of the bodies in these graves appeared to be inconsistent. That is, while some appeared to have been haphazardly placed, others appeared to have been in what may be described as a foetal position with their arms covering their heads, as if for protection.

54. As the RSK administration would deny permission to conduct full autopsies on the 19 bodies in the pre-arranged Zagreb facilities, the PHR conducted gross external examinations of each of the bodies between 1 and 3 November 1993. On 9 November, all 19 bodies were reburied on the site in individual body bags. A formaldehyde solution was used inside the body bags in order to inhibit further decomposition of the corpses. The reburial trench was dug and filled-in by the backhoe operated by Mr. Liimatta. The site was marked, recorded and filmed.

C. Summary of investigative procedures

55. As indicated above, before excavation began at a feature, the appearance of the feature was recorded by means of video and still photography. Each area was demarcated by police tape, and access to each area was controlled by Sergeant Lamothe and Warrant Officer Murray-Ford. Areas were also scanned by metal detectors to assist in the location of evidence. Any evidence located in the vicinity, or in a grave, was photographed before removal and then seized, packaged, marked, registered and secured by Sergeant Lamothe and Warrant Officer Murray-Ford in a manner consistent with accepted police procedures in Canada.

56. Each stage in the investigative progress was recorded by both still and video photography and notable events were logged in a daily occurrence book kept by Sergeant Lamothe and Warrant Officer Murray-Ford. These investigators also kept an access log indicating who was present at the scene of the

investigation.

57. At the close of work each day, the excavations in progress were covered by tarpaulins and each site was secured on a 24-hour-a-day basis by Jordanian soldiers.

58. It should be noted that despite the above precautions, one piece of evidence, an Italian 50 lira coin, dated 1974, disappeared between the time it was marked for plotting by computer and the time it was to be collected as evidence. Whether the removal was accidental or intentional could not be determined.

59. The evidence collected by the WCIT military police special investigators was stored by them at UNPROFOR HQ in Zagreb in a secured facility and is at the disposal of the Office of the Prosecutor of the International Criminal Tribunal at The Hague.

D. Additional investigation of surrounding areas

60. As no mass grave of the proportions originally reported to the UNCIVPOL member to exist was located, it was felt necessary to explore other areas in the vicinity. As the members of PHR were occupied with the excavation of the discovered graves, and as the military police investigators were occupied with access control and collection of evidence in connection with these excavations, the further exploration was conducted by Major Olson and Lieutenant Jongen.

61. Inasmuch as the original description of the area containing the graves of 200 Serbs included a reference to a forested area, near the railway tracks, between Pakračka Poljana and Gaj, Major Olson and Lieutenant Jongen concentrated their investigation in the limited areas that matched this description.

62. Major Olson and Lieutenant Jongen explored the area along the stream, parallel to the railway tracks, east of CS 1 by foot. Lieutenant Jongen frequently employed the device referred to as a pricker to determine whether the soil beneath the surface had been disturbed. They drove along the road between Pakračka Poljana and Gaj and walked along a section of the railway tracks between those two towns looking for any area which may have contained graves. Although a number of features were examined, no indication of a mass grave was found. These explorations were conducted on 28, 29, and 30 October.

63. In addition to this exploration, on 30 October, Major Olson and Dr. Hagland searched the area around the soccer field and the railway station in the town of Pakračka Poljana for evidence of any of the smaller gravesites that were referred to by the UNCIVPOL member's informants.

64. On 6 November, Lieutenant Jongen examined a small lane running south from the road between Pakračka Poljana and Gaj located south of the airfield. His examination disclosed that the ground on and around the lane was rocky, hard and undisturbed. It was concluded that this area was unlikely to contain a burial site.

65. Lieutenant Jongen attempted to examine Site "A" and found it to be inaccessible due to poor and mud-blocked roads. Major Holland and Lieutenant Jongen made a second attempt to reach the site, but for the same reasons were unsuccessful.

66. On 9 November, Lieutenant Jongen, accompanied by the On-site Rapporteur

and Major Holland examined Site "B". Extensive probing and examination failed to reveal any evidence of buried bodies.

67. On several occasions, members of the PHR and WCIT further examined the soccer field area referred to earlier. Although a small excavation was made of an apparent disconformity, no evidence of buried bodies was discovered.

68. No examination of the Marino Selo area was conducted due to lack of time and resources.

E. Logistics and support

69. The Dutch Support Unit, under the supervision of Lieutenant Jongen, and under the command of Major De Jonge, provided all necessary transportation and facilities, including decontamination facilities in the field. On short notice, this unit was able to erect a substantial portable morgue near the site of CS 1 for the examination of the exhumed remains from features 10 and 1A, and from features CS 1 to CS 7.

70. The Jordanian Army Unit located at UNPA Sector West provided a number of valuable services. These included mine detection, site security, washroom facilities and, on occasion, translation services. In addition, Major Bashir M. Abdel-Rahman, the commander of this Unit, consented to participate in the ad hoc Verification Team referred to in paragraph 25. Without the co-operation and support of Major Abdel-Rahman and Captain Suleiman Nawafleh of this Unit, the work at site "C" would certainly not have progressed in the manner that it did.

71. Support was also provided by the commander of the Canadian Unit at Camp Polom, Lieutenant-Colonel Cantin. With no prior notice, he arranged, within 24 hours of the request, for the delivery of a backhoe to site "C". As it later became apparent, the Canadian backhoe was out of service due to maintenance problems, but the Canadian Unit arranged for the loan of a backhoe and operator from the Finnish Defence Construction Service Unit. The backhoe and driver were available for as long as was required.

F. Conclusions

72. There was no mass grave containing 1,700 or even 200 bodies, as reported, in the area of Pakračka Poljana investigated by the WCIT and PHR. No such grave was evident within the immediate vicinity of that area, although terrain matching the description given in the informant's account was inspected.

73. The allegation that there may have been as many as 1,700 bodies appears to have roots in the calculation made by the member of UNCIVPOL in May 1993, based on his observation of a series of 17 disconformities in the landscape at site "C".

74. Based on conversations with local residents, archaeological observations, and the configuration of the series of disconformities referred to as features 1 to 23, it appears likely that these disconformities are the result of a line of military trenches dug along the west side of the field, probably between September and November 1991.

75. There were, as the UNCIVPOL member's report suggested, other independent graves in the area, including the graves located at the north end of the field along the stream.

76. Two bodies were located in a single grave on the west side of the field in a feature referred to as feature 10. They appear to have been dressed in military uniform.

77. One corpse, a fully-skeletonized, was located in a single grave on the west side of the field in a feature referred to as feature 1A. Although there were extremely slight traces of clothing evident in remaining single threads of synthetic material, the only identifiable clothing remaining was a pair of reddish-brown cowboy boots.

78. Two bodies were located in a single grave at the north end of the field, along the stream in a feature referred to as CS 1. They appeared to have been dressed in civilian clothing.

79. Fourteen bodies were located in a series of six adjoining graves at the north end of the field, along the stream in a series of features referred to as CS 2 to CS 7. They appeared to have been dressed in civilian clothing.

80. The preliminary examination of a number of the skulls found indicated circular defects consistent with a bullet wound. At CS 2 to CS 7, a number of spent casings and live rounds were found just slightly beneath the surface of the ground within the few metres directly south of this series of graves. Ballistic testing of these items remains to be performed.

1. Recommendations

81. Two factors contributed to an investigation at site "C" of a slightly different nature than that originally mandated. First, because the grave site at site "C" was not of the proportions originally alleged, it was necessary to investigate areas surrounding the site to ascertain whether a larger mass grave was present in the vicinity. Second, with the suspension of the investigation at UNPA Sector East, more members of the PHR became available to work on the investigation in UNPA Sector West. This permitted the graves that did exist at site "C" to be not only located and examined, but also excavated and the bodies exhumed for post-mortem examination. The recommendations that follow arise mainly because the nature of the investigation changed while in progress.

2. Equipment

82. The equipment brought by the military police investigators was both appropriate and in adequate supply. However, there appears to have been some confusion as to the equipment provided for PHR, particularly with respect to excavating instruments such as shovels and trowels. It appears that the PHR were lead to believe that those instruments would be available on site; however they were not immediately present in adequate supply.

83. Therefore, it is recommended that in the future, liaison between the WCIT, PHR, and the support unit will need to establish with certainty and in advance what equipment will be available on site.

84. Major Olson found it necessary on a number of occasions, as indicated above, to perform duties away from the main excavation area in which protection was provided by Jordanian guards. As the guards were not in sufficient number to provide personal protection during those occasions, Major Olson would often be outside the main area, in uniform, in UN vehicles, completely unarmed. As this situation is very likely to recur in any future operation, it is recommended that the members of WCIT be provided with small

arms for personal protection.

3. Personnel

85. There was no shortage of expertise among the PHR with respect to this operation. However, when the additional task of locating further possible graves arose, the PHR were understandably preoccupied with the numerous bodies already located, particularly as these bodies were now to be exhumed. Fortunately, there were present at the site three members of the Royal Netherlands War Graves Service, lead by Lieutenant Jongen, who may certainly be considered experts in the task of locating graves. With a great deal of experience and a minimum of equipment, these individuals were of invaluable assistance in the investigation of possible additional gravesites. Their role in the discovery of the graves at site 10 and 1A had already been outlined.

86. It is therefore recommended that in any future such operations, where there exists any uncertainty as to the location of graves, experts such as Lieutenant Jongen of the War Graves Service, Royal Netherlands Army, be included in the WCIT.

87. The PHR forensic team comprised experts in a number of fields, including archaeology and forensic anthropology. The skills of these members ranged from the physical aspects of excavation, to computer mapping and post-mortem examinations. No change in the composition of this team is recommended.

88. The military police investigators were well-equipped to deal with the demands of access control and evidence collection. It is recommended that any future operations include the presence of at least one such investigator at each excavation site.

89. The original mandate of the legal officer present was to advise on the legal aspects of evidence collection. However, it also became necessary for him to take on the additional role of liaison between the local civilian authorities and local UN authorities in order to facilitate the execution of the mission. It is recommended that, as this dual role is foreseeable in future operations, a legal officer be present as a member of WCIT in such future operations.

4. Location of gravesites

90. There are experts available to assist in the location of graves. There are, however, additional technological means to determine the possible location of mass graves before deploying to the field.

91. Aerial photographs of a region taken before a conflict may be compared with aerial photographs of the same region taken after mass graves were suspected to have been created. These photographs are often available through intelligence services. PHR has suggested that, in future circumstances, it may be possible to obtain this type of assistance from the U.S. Central Intelligence Agency. Such photographs may also be available from the Information Branches of military units operating in the region under UN auspices.

92. It is therefore recommended that, prior to future operations, efforts be made to obtain and compare aerial photographs of a region suspected to contain mass graves.

5. Methodology

93. When the number of PHR forensic experts involved in the excavation of site "C" rose from five to 13, it became evident that there are a number of methods to excavate a grave. While the scientific validity of each one of these methods is not questioned, the differing practices followed by certain members of that group caused some initial concern as to the manner in which evidence should be collected. Although these concerns were overcome through Major Olson's consultation with Mr. Stover of the PHR, it would be preferable in future operations to have standing operating procedures agreed to in advance by PHR and WCIT members.

94. It is therefore recommended that, prior to any subsequent operations, written standing operating procedures be established to indicate a single method of excavation and evidence collection to be followed. As the techniques of excavation differ among scientists, such operating procedures will need to be specific to the scientists involved and therefore may not be effectively completed prior to the selection of the team's members.

6. Support

95. As outlined above, the support provided to PHR and WCIT by a number of authorities was exceptional.

III. INVESTIGATION REPORT OF THE WCIT

96. In March 1993, the United Nations Commission of Experts was made aware of a file containing information regarding the location of a mass grave in the area of Pakračka Poljana, UNPA Sector West. The file contained reports, dated from 16 December 1992 to 27 May 1993, submitted by a member of the Royal Canadian Mounted Police (RCMP), who had been posted with UNCIVPOL in the area concerned.

97. The UNCIVPOL member initiated the above-mentioned file upon receiving a complaint from Mrs. "V" on 2 December 1992. Mrs. "V" reported that her husband, "B", born 25 August 1952, was arrested in her presence, by two Croatian soldiers in uniform, outside the Kutina bus station on 21 September 1991. Her husband was subsequently taken to the village of Pakračka Poljana, after which she never saw him again. Mrs. "V" provided the UNCIVPOL member with the names of seven additional persons, all of Serbian background, from the area of Pakračka Poljana who were also arrested abcut the same time as her husband. One of the seven was later released; the others were never seen again. The UNCIVPOL member was also informed by the complainant of a rumour that about 200 people, male and female, all of Serbian descent, were arrested around the same area and time. They were taken to the village of Pakračka Poljana and killed. All of them were apparently buried in a mass grave somewhere between Pakračka Poljana and Gaj.

98. Subsequent investigation allowed the UNCIVPOL member to locate three suspected mass graves which he described as follows:

(a) Site "A": located at Grid Reference (GR) 521375 (on a map of Novska, series M709, sheet 2585 IV, scale 1:50,000). This grave allegedly contained five bodies poorly buried under earth and brush. The corpses were believed to have been transported from a previous burial site because of heavy plastic material found at the scene. This site was apparently cleared on 15 March 1993, and the bodies were moved to an unknown location;

(b) Site "B": located at GR 536371, consisted of two graves located approximately 65 feet (19.5 metres from a hunting cabin in Pakračka Poljana and approximately 15 feet (4.5 metres) apart. Each grave was approximately five by six feet (1.5 metre by 1.8 metre) in dimensions. The depth and number of bodies contained in each was unknown. This site was also cleaned out between 8 and 15 May 1993 and, in place of the site, trees were planted as an obvious ruse for the fresh digging; and

(c) Site "C": located at GR 552362, consisted of two large graves of soft, spongy earth in an open field, and approximately eight solitary independent gravesites, which follow along the bank of a stream and were part of the same field as the large trenches. The large trenches allegedly contained one hundred plus bodies each and measure approximately 100 feet by 20 feet (30 metres by 6 metres). This site was by far the largest and most secure as an UNPROFOR check point, manned by CANBAT ONE at the time, was approximately .1 kilometre from the entrance of the field. Upon a later examination of the field, the UNCIVPOL member noted that what was first thought to be only two large graves, were in fact 17 large graves similar in length, width and soil texture throughout the field. These observations brought him to believe that if the additional 15 trenches were actual graves, and the estimate of 100 persons plus per grave remained the same, the total of bodies would be 1,700 instead of 200.

99. On 15 October 1993, the Canadian team, along with members of PHR, were tasked to conduct a preliminary medicological investigation of a series of clandestine graves near Pakračka Poljana, particularly site "C" as referred to in the UNCIVPOL member's file report. This investigation was described by PHR as Phase I and initially only involved a preliminary site survey in order to confirm the presence of a mass grave.

100. At 12:19 p.m. 20 October 1993, accompanied by Dr. Snow, Dr. Caceres, Dr. Šimunović, Dr. Connor, and Dr. Reveco from PHR, Lieutenant Jongen, Chief Warrant Officer Bolle, and Chief Warrant Officer Heesakkers from the UNPROFOR Dutch Army Support Unit, the Canadian team arrived at the JORDBAT UN check point number 14 (hereinafter referred to as CP 14). At that time, the following was noted:

(a) CP 14 is located on a small paved road two kilometres south of Pakračka Poljana's church;

(b) CP 14 is at GR 551363;

(c) This road, if travelled in a southerly direction a distance of 1.5 kilometres from CP 14, would lead to the village of Janja Lipa;

(d) Located on the East side of this road is a field, used for pasture, which was pointed out in the UNCIVPOL member's report as site "C";

(e) The field is bordered to the north by a stream and to the south by the village of Janja Lipa;

(f) Approximately 70 metres south of CP 14, a tractor trail enters the north end of the field. Upon entering the field from that trail, one can notice, approximately five metres to the right (south), a ground deformity in the field which looks like an overfilled trench covered with overgrown vegetation. This trench (hereinafter referred to as feature C1) is approximately 30 metres long and six metres wide;

(g) South of feature C1 and approximately 10 metres apart is another similar trench (hereinafter referred to as feature C2). These two features are the two suspected mass graves reported in the UNCIVPOL member's report as containing 100 bodies each; and

(h) Both features are elongated north to south, parallel and approximately two metres east to a line of trees separating the field from the paved road.

101. Between 12:28 p.m. and 3:20 p.m. on 20 October 1993, the surrounding area of both features was swept by a team of Jordanians from UNPROFOR equipped with mine detectors. During that time, the Canadian team proceeded to video record and take pictures of the site. Upon the site being declared safe, the PHR team proceeded to conduct a trench survey of feature C1 in the following manner:

(a) Video tapes and still pictures of the site were made and recorded in a photo/video log;

(b) A stake called "Wood Bench" was placed in the ground on the south West end of feature C1. This stake was then used as reference point (Ground Zero) in the taking of all required measurements;

(c) A one metre by seven metre trench was delineated across feature C1 in a west to east direction, with the western end of it being outside feature C1;

(d) This trench was subsequently dug from the outside end (West) and going into feature C1. Upon removing the first layer of top soil on vegetation, it was possible to notice a line demarcation from feature C1 with the appearance of disturbed and undisturbed soil; and

(e) Once the demarcation of feature C1 became easily noticeable, the PHR team proceeded to dig the outside of the survey trench to one metre depth and subsequently excavated towards feature C1 in order to uncover possible human remains.

102. At 5:13 p.m. on 20 October 1993, the trench was covered with a plastic sheet and canvas to prevent accumulation of water during the night. At 5:20 p.m., the Canadian War Crimes Investigation Team (WCIT) left the site, at which time, and for the entire duration of this operation, it was left under constant armed guard surveillance of UNPROFOR Jordanian troops.

103. At 9:54 a.m. on 21 October 1993, the WCIT returned to the site and resumed operations on feature C1. At 10:18 a.m., a second survey trench, similar to the trench being dug across feature C1, was started across feature C2.

104. At 1:45 p.m. on 21 October 1993, excavation of the survey trench across feature C1 was completed to a depth of approximately one metre, at which time the following was noted:

(a) A demarcation of iron deposits could be observed on both walls (north and south) of the survey trench, indicating the contours of feature C1, which had been a previously dug and refilled trench;

(b) A deposit of vegetable substance found at the bottom of the trench was collected by PHR for later analysis, in order to attempt estimation of approximate time of year the trench was refilled; and

(c) There was no corpse or traces suggesting that any human remains had once been buried at that location. Later completion of the survey trench across feature C2 revealed the same findings.

105. On 22 October 1993, accompanied by Major Olson, Lieutenant Jongen and the WCIT proceeded to make a survey of the field south feature C1 and C2. Seven other features, similar in size and distribution across the field, were noted at a distance of approximately 245 metres in line from north to south. These features were numbered C3 to C9.

106. At 2:45 p.m., on 22 October 1993, a tenth feature was located approximately 245 metres south of feature C2 and 437.8 metres south and slightly to the east of CP 14. At that time the following was noted:

(a) This feature was located at the south end corner of a wooded area and very close to the tree line;

(b) It was different from features C1 to C9 as it measured only 3.7 metres long by 2.3 metres wide;

(c) It was protruding 30 centimetres from ground level and the vegetation covering it was overgrown and different from the vegetation in surrounding area; and

(d) Upon probing it with a metal rod, Lieutenant Jongen felt a hard object approximately 30 centimetres deep and noted that the end of his probe smelled of decaying flesh, confirming suspicions that a grave had been discovered. This feature was hereinafter referred to as site C10.

107. The PHR team was subsequently informed of the findings and attended site C10. Between 3:03 p.m. and 3:25 p.m., on 22 October 1993, a check of the site was conducted with a metal detector while the WCIT video taped and took pictures of the site.

108. At 3:25 p.m., on 22 October 1993, PHR team proceeded to dig a probe hole on top of site C10, at which time clothing material was found at an approximate depth of 30 centimetres. At 3:36 p.m., Dr. Snow cut open the clothing and uncovered what was suspected to be human flesh. Upon cutting through the flesh, Dr. Snow found what he identified as a human hip bone.

109. At 4:06 p.m., on 23 October 1993, site C10 was cordoned off and placed under armed surveillance.

110. At 9:25 a.m., on 23 October 1993, an Access Control Point (ACP) was set up at the entrance of site C10. Only involved personnel had access to the site and a record of their arrival and departure was kept in an "Access Control Book".

111. During the course of this operation, numerous items which were determined as possible physical evidence were collected in the following manner:

(a) Each item was photographed and/or video taped prior to being removed from its original position;

(b) An Electronic Surveying Theodolite c/w #SDR33 data collector, serial #F253137, was used to map most items. This computerized equipment allows a three dimensional recreation of the exact position where the item was found and can be later reproduced on a map draft computer print;

(c) Each item was assigned an evidence number and placed in a sealed evidence bag, which was kept in the writer's custody; and

(d) All evidence numbers were recorded in an evidence log which contains information such as the date and time the evidence is seized, who seized it, a description of the item, and the location where it was found. All evidence logs have been submitted to the Office of the Prosecutor of the International Criminal Tribunal at The Hague.

112. After completion of the field survey, Major Olson concluded that the field contained a total of 22 features similar to feature C1 and C2 (not including site C10). These features could have been mistaken to be mass graves, however, their configuration and position in the field suggested that they could have been old defensive trench positions which had been refilled for unknown reasons. It is very likely that the 17 features that were believed to be mass graves by the UNCIVPOL member were part of these 22 features. In order to ascertain that these 22 features were not mass graves, Major Olson made arrangements to obtain a backhoe which would be used to cut segments across each one of the features.

113. At 11:18 a.m., on 23 October 1993, Mr. Larry Liimatta, UNPROFOR backhoe operator, began cutting trench segments across the features. All suspected mass grave features were subsequently dug by trench segments and it was determined that none of them contained human remains. Trench segments dug by the backhoe from feature C1 to feature C23 (not including feature C10) covered a distance of approximately 730 metres across the field in a north to south direction.

114. At 3:15 p.m., on 23 October 1993, the WCIT was advised that Lieutenant Jongen and Chief Warrant Officer Bolle had located a second gravesite on the north-west side of the field. The WCIT subsequently proceeded to that location and video taped and took photographs of the site, during which the following was noted:

(a) The gravesite (hereinafter referred to as site C1A) was adjacent and west of feature C1, approximately one metre east of the tree line bordering the paved road and 10 metres south of the field entrance trail. Distance from CP 14 to C1A is 75.5 metres;

(b) Some human ribs had been partially uncovered by Lieutenant Jongen and Chief Warrant Officer Bolle at a position which appeared to be the centre of the grave; and

(c) It was later learned that this grave contained only one human corpse which was hereinafter referred to as body C1A-1.

This site was subsequently cordoned off and an ACP was established.

115. On 24 October 1993, Mr. Stover, Dr. Haglund, Dr. Scott, Dr. Calabrese, Dr. Hartley, Dr. Doretti, Dr. Fondebrider and Dr. Schmitt, all from PHR, arrived on site "C" and joined the operation with the other members of the team.

116. Based on their professional experience, Dr. Doretti and Dr. Hartley were respectively assigned the task of video taping and taking photographs of all activities during this operation. It may be noted that approximately seven hours of video tape and 3,000 photographs were recorded during this investigation and have been submitted to the Office of the Prosecutor of the International Criminal Tribunal at The Hague.

117. At 11:31 a.m., on 24 October 1993, WCIT was informed that a second body had been found in site C10. After later excavation of site C10, the following was noted:

(a) The first corpse (hereinafter referred to as body C10-A) appeared to be an adult male, laying on his left side, semi-flexed, with his head to the north, and was wearing what appeared to be a JNA military uniform;

(b) The second corpse (hereinafter referred to as body C10-B) also appeared to be an adult male, laying on his back in an extended position, with his head to the south, and also wearing some sort of military uniform; and

(c) Both corpses appeared to have gun shot wounds to their head.

118. It may be noted that during each grave excavation, PHR compiled an excavation report which provides the following information:

(a) Surface conditions prior to excavation;

(b) Description of soils in grave pit and surrounding matrix;

(c) Description of bodies and skeletons in each excavation;

(d) The position of body(ies);

(e) Artifacts and other associations with the body;

(f) Co-mingling, if any;

(g) Soil and other samples taken and reasons (insects pupae, soil control samples, soil from boots, nut hulls, leaves, etc.);

(h) Description of clothing and shoes, if any;

(i) Description of the condition of the body(ies); and

(j) A note of any potential wounds, trauma, or anomalies.

A rough Forensic Burial Summary report was provided on-site by PHR after each excavation.

119. At 8:22 a.m., on 25 October 1993, Warrant Officer Murray-Ford arrived at the site and assisted in the collection of evidence and as on-site controller as two different sites had to be monitored. Also in attendance were two other members of the UNPROFOR Dutch Support Unit, Warrant Officer Swerissen and Sergeant Jansen.

120. At 1:45 p.m., on 25 October 1993, Warrant Officer Murray-Ford attended the site of a suspected third grave. The location of this grave (hereinafter referred to as site CS1) is described as follows:

(a) If one follows the tractor trail which enters the north-west corner of the field in an easterly direction for approximately 80 metres, it is branched into a "Y" by a line of trees. The northern (left) branch of the trail then becomes bordered to the south by the tree line and to the north by a small clearing and the stream (see para. 101e. above);

(b) If followed for another 50 metres, the trail enters a small field, which is bordered to the north by the stream curving in a northerly direction. Approximately five metres to the left (north) of the trail where the stream curved to the north (GR 555363) is site CS1; and

(c) Site CS1 is at a distance of 148.5 metres from CP 14.

Upon arrival at the site, Warrant Officer Murray-Ford was informed by Mr. Stover that Lieutenant Jongen had probed the area, detected odours of human remains and had an indication of metal about 60 centimetres below the surface. Lieutenant Jongen stated that there was a possibility that there were two or more bodies at that location. It was later learned that this gravesite contained two bodies laying on top of each other. The body on top was referred to as CS1-A, and the body at the bottom was referred to as CS1-B. At 2:25 p.m., 25 October 1993, Warrant Officer Murray-Ford cordoned off the site and assumed ACP duties.

121. Between 8:30 a.m. and 9:50 a.m., on 26 October 1993, Dr. Haglund and Lieutenant Jongen probed the area south of the stream, where the trail is bordered to the south by the tree line and to the north by a small clearing and the stream (see para. 120a. above). Dr. Haglund stated that there was indication of five to eight bodies buried at that location, and he wished to excavate the site. This site was hereinafter referred to as site CS2 and was subsequently excavated with a backhoe to a depth of approximately 15 centimetres. During this operation, a human skull and a black-pattern female shoe were uncovered.

122. At 2:36 p.m., on 26 October 1993, Dr. Haglund reported the discovery of another grave covered by a garbage pit, which was subsequently removed with the backhoe. This grave was located approximately five metres West of site CS2.

123. At 2:38 p.m., on 26 October 1993, some empty ammunition shell casings were found in the area of the last discovered gravesite. At that time, the operation of the backhoe ceased, the entire area surrounding these gravesites was cordoned off and ACP was set up.

124. At 9:07 a.m., on 27 October 1993, Lieutenant Jongen, Warrant Officer Swerissen, and Dr. Scott proceeded to sweep the entire area surrounding the gravesites with a metal detector. During this operation, numerous metal artifacts such as empty shell casings, live rounds, a ring, and coins were located and plotted with pinflags.

125. Between 10:09 a.m. and 11:37 a.m., on 27 October 1993, body C10-A and body C10-B were removed from gravesite C10, placed in bodybags, and transported to a tent used as a temporary morgue and located in the small field east of site CS1.

126. At 11:00 a.m., on 27 October 1993, PHR proceeded to remove the only corpse found in gravesite C1A. At that time the following was noted:

(a) The corpse, hereinafter referred to as C1A-1, was almost totally skeletonized, and lay semi-flexed on his left side and head to the south;

(b) Apart from some clothing tags, the only remaining piece of clothing left on was a pair of well-preserved cowboy boots;

(c) What appeared to be an entrance and exit bullet hole was found in his skull;

(d) A nine millimetre bullet was found embedded in sterile earth, directly under the skull. This bullet was found with the help of a metal detector after the removal of the body; and

(e) C1A-1 was placed in a bodybag at 11:40 a.m., and arrived at the morgue at 11:47 a.m., on 27 October 1993.

127. At 1:42 p.m., on 27 October 1993, PHR proceeded to remove body CS1-A from CS1. The body was placed in a bodybag at 2:45 p.m., and transported to the morgue.

128. At 2:50 p.m., on 27 October 1993, Mr. Stover reported the discovery of several human skulls a few inches below the surface of sites surrounding site CS2. It was later determined that this area contained six different gravesites, the locations of which and assigned numbers are described as follows:

(a) All gravesites were located on the south bank of the stream which curved south-east at that location, GR 553363;

(b) Distance from CP 14 to the centre area of these sites is 107 metres;

(c) Gravesites were assigned an identification number in the order they were excavated. Position of the gravesites from north-west to south-east is CS7, CS6, CS2, CS5, CS3 and CS4; and

(d) Each grave contained two bodies with the exception of site CS4, which contained four bodies.

129. At 10:00 a.m., on 28 October 1993, prior to mapping all metal artifacts that had been marked with a pinflag on 27 October 1993, Warrant Officer Murray-Ford and this writer discovered that an Italian lira coin was missing from under its flag. A subsequent metal detector sweep of the area proved negative in its recovery. It was learned from Dr. Reveco that she had picked it up, cleaned it, and replaced it on 27 October 1993. Warrant Officer Murray-Ford recalled seeing the item prior to closing off the site at 3:29 p.m., on 27 October 1993 and noted that it appeared brighter than before. A close examination of the last known location of the coin revealed a circular imprint in the ground, suggesting that it had been picked up instead of being accidentally dislodged. Dr. Hartley, Chief Warrant Officer Heesakkers, and Sergeant Jansen all recalled having observed the coin upon leaving the site on 27 October 1993.

130. At 10:37 a.m., on 28 October 1993, still photographs and video of the last location of the Italian coin and a boot heel imprint found close to it were taken. Warrant Officer Murray-Ford requested Major Olson to raise the question with Major Bashir as to whether he could canvas his troops with a view of determining if they recalled seeing it, or if it was accidentally moved by any of them during their tour of guard duty. Subsequent inquiries with Major Bashir proved negative. At 10:45 a.m., on 28 October 1993, the missing coin was mapped as item 3023.

131. A total of 41 empty shell casings of mostly nine millimetre and 7.62 calibre, a 7.62 calibre live round, and an unknown caliber live round were later mapped and collected. The concentration of these items was located south and between site CS7 and CS6. Three .22 calibre empty shell casings were found and mapped on the tractor trail south of sites CS3 and CS4. Also mapped as items found on-site was a gold ring and a Croatian coin.

132. At 12:30 p.m., on 28 October 1993, PHR proceeded to remove body CS1-B from site CS1. During removal, a gold ring was found on its left hand 4th finger. CS1-B was placed in a bodybag and arrived at the morgue at 1:26 p.m., on 28 October 1993.

133. At 11:05 a.m., on 29 October 1993, Major Olson and Warrant Officer Murray-Ford attended the Pakrac Police Station and met with the local Chief of Police, Nikola Ivanec, who provided them with a list of names and dates of birth for 142 reported missing persons in the area. A copy of this list has been forwarded to the Office of the Prosecutor of the International Criminal Tribunal at The Hague.

134. At 12:06 p.m., on 1 November 1993, a brown briefcase was removed from site CS6. The briefcase contained miscellaneous items and the following items:

(a) A "INA" plastic folder containing a document titled "KUPON ZA PRIJEVOZ", mat# 39101908161, dated 17 December 1989, with the name ILIĆ Dušan, 41320 Kutina; and

(b) A blue plastic folder containing personal papers, an unidentified map and a customer card (Clanska Karta) titled, "AUTO-MOTO SAVEZ JUGOSLAVIJE" with the inscriptions "ILIĆ Dušan, Kutina 41320, I.G., Kovačića bb 910, Kutina, 18 November 1978".

135. It may be noted that most items found in the briefcase had the inscription "INA-NAFTAPLIN", which is a gas company in Croatia. All items in the briefcase are listed in an evidence log under number 1378. A 1990 and a 1991 car calendar book was also found underneath the damaged briefcase, suggesting that it was buried later than 1990 and prior to 1992.

136. At 11:43 a.m. and 11:45 a.m., on 2 November 1993, body CS2-A and body CS2-B were removed from site CS2 and transported to the morgue. It was noted that body CS2-A had been in the grave in a sitting position with a blanket around the shoulders and underneath the body, suggesting that the blanket had been used to place the body in the grave. Both CS2-A and CS2-B appeared to have gun shot wounds to the head.

137. At 11:57 a.m. and 12:10 p.m., on 2 November 1993, body CS3-A and CS3-B were removed from site CS3 and transported to the morgue. Both appeared to have gun shot wounds to the head.

138. Between 3:28 p.m. on 2 November 1993 and 11:12 a.m. on 3 November 1993, all four corpses were removed from site CS4 and transported to the morgue. During the time the following was noted:

(a) CS4-C was first removed, identified as an adult male and was found laying on his back on top of CS4-D's legs;

(b) CS4-D was removed, identified as an adult male laying on his back, with his head resting on CS4-B's legs. His trousers were pulled down to his ankles;

(c) CS4-B was removed, identified as an adult female laying on her back, and a shoe was found over the left side of her face;

(d) CS4-A was last to be removed, suspected to be an adult female laying on her back, with her head resting on CS4-B's right shoulder. Her skull had been damaged by the backhoe; and

(e) All corpses were wearing civilian clothing, had their hands tied behind their backs with a similar rope, and had gun shot wounds to their heads.

139. At 11:19 a.m. and 11:29 a.m., on 3 November 1993, CS5-A and CS5-B were removed from site CS5 and transported to the morgue. Both corpses were adult males, found laying on their sides in a foetal position, touching each other at shoulder level, and had guns shot wounds to their head.

140. At 11:42 a.m. and 1:11 p.m., on 3 November 1993, body CS7-A and CS7-B were respectively removed from their graves and transported to the morgue. CS7-A was found laying on his back on top of CS7-B, who was also laying on his back. It was later learned during field autopsies that both bodies were males and that they had received numerous bullet wounds all over their upper bodies. This could explain why most of the empty shell casings found at the site were in front and slightly to the right of site CS7.

141. At 11:55 a.m. and 2:36 p.m., on 3 November 1993, body CS6-A and CS6-B were respectively removed from site CS6 and transported to the morgue. CS6-A was found face down on top of CS6-B, with his sweater pulled over his head. CS6-B was laying on his back. Both appeared to have gun shot wounds to their heads. An unknown calibre live round was found at the bottom of site CS6 with the help of a metal detector. This item was registered under number 1501.

142. At 1:36 p.m., on 3 November 1993, Dr. Connor reported having found a black leather wallet with identification card in the bottom of site CS4. Examination of the wallet revealed that it contained the following items:

(a) Identification card with photo;

(b) Driver's licence;

(c) Car registration;

(d) Urine test document from Pakračka Poljana Hospital; and

Items were entered in an evidence log under number 1500.

143. Between 1:35 p.m. on 2 November 1993 and 10:47 a.m. on 7 November 1993, Dr. Kirschner conducted field autopsies on all exhumed corpses. All notes during these autopsies were recorded by Dr. Kirschner. Canadian Military Police provided ACP during autopsies and recorded arrival and departure of all persons present in the autopsy room. MCpl Mccomb, who had arrived on-site, assisted in the operation of the ACP and collection of evidence.

144. All evidence found on corpses during the course of autopsies was collected, and photographs were turned over to the Canadian Military Police for custody. All evidence items were assigned a number and registered in an evidence log. Some jewelry and identification papers collected could provide a greater chance of identifying some of the bodies they were found on. The following is a list of some of these items by evidence log number:

(a) #1481: black leather wallet with the taped inscription "MILETIC", found in clothing of C10-A;

(b) #1502: identification card with photo, driver's licence, and registration papers, found in clothing of CS4-C;

(c) #1509: earring, found on left side of skull of CS4-B;

(d) #1510: earring, found on left side of skull of CS4-B;

(e) #1511: gold colour ring, taken from left ring finger of CS4-B;

(f) #1512: chain with letter "S", taken from neck of CS4-B;

(g) #1517: black "Darvil" Swiss watch, Ser 7050, found on right wrist of CS2-B;

(h) #1523: silver "Month" watch, found in right lower suit jacket pocket of CS2-B;

(i) #1528: pair of eye glasses with brown frame. The frame has tape on both sides and is tied at each end by a red elastic, found in upper left jacket pocket of CS3-B;

(j) #1530: gold chain with gold miniature soccer ball attached to it, found around neck of CS3-B;

(k) #1531: brown leather wallet containing identification card with photo and driver's licence, both under the name of Bozo Velebet, found stuck on right rear buttock of CS3-B;

(l) #1536: gold ring, found of left 4th finger of CS6-A; and

(m) #1539: black leather wallet with photo identification card found in right rear trouser pocket of CS7-A.

145. It may be noted that two .22 calibre empty casings were also found during the autopsy of CS2-A. One was stuck to the front of his trousers, near the right pocket and one was found in the blanket he was buried with. A partial fingerprint of the right middle, right ring and right little finger of CS6-A was also lifted by Dr. Haglund.

146. At 9:18 a.m., on 5 November 1993, accompanied by Major Holland, Dr. Kirschner, Dr. Snow, Dr. Calabrese, Chief Warrant Officer Heesakkers and Warrant Officer Murray-Ford attended the Soccer field and Soccer Club House located north-west of CP 14. This Club House was reported in the UNCIVPOL member's report as having been used to torture people. No evidence was found inside the Club House. A hole containing JNA military clothing, track shorts and some women clothing was found in the field adjacent to the Club House. However, there was no sign of human corpses. Various items of garbage were also located in the pit. Several empty cans of "Lockwoods" beer, with an expiry date of August 1992, were discovered. It is believed that all the garbage may have been found in the Club House and subsequently buried by CANBAT personnel as the Club House had been used in the past by CANBAT troops at the time they were manning CP 14. Measurements, photographs, and a sketch of the Club House were later made. A sample of a sticky substance found on a counter of the Club House was also collected and has been forwarded to RCMP Lab for Benzine testing.

147. On 5 November 1993, attempts were again made by Major Holland and

Lieutenant Jongen to locate other mass graves in the area of site "B" and the lane of Pakračka Poljana and Gaj road. These attempts met with negative results.

148. Between 9:52 a.m. and 3:01 p.m. on 9 November 1993, all bodies were buried at a new gravesite. A video record, photographs, and a sketch marking the exact location of the new grave were made. Bodies were buried in a trench and were placed side by side, starting from the north end of the trench.

149. This investigation had revealed the following:

(a) During the fall of 1991, several persons of Serbian background were arrested around the area of Pakračka Poljana and never seen again;

(b) A report of the existence of 17 mass graves, located in a field near Pakračka Poljana and suspected to contain over 100 bodies each, was made to the UN Commission of Experts;

(c) Between 20 October 1993 and 9 November 1993, an investigation was conducted on-site by the Commission. The investigation revealed that the trenches, reported as being mass graves containing over 100 bodies each, were in fact empty. These trenches are suspected to have been used sometime in the past as defensive positions and were later refilled with earth;

(d) Nine smaller gravesites were uncovered during this investigation and contained a total of 19 bodies;

(e) Evidence at the sites suggested that some of the victims had been shot in or nearby their graves;

(f) A few identification papers and jewelry, which could help in the identification of some of the bodies, were found on the bodies themselves or in the respective graves;

(g) Three of the bodies recovered with ID were reported by witnesses as having been arrested during the fall of 1991 and taken to Pakračka Poljana; and

(h) A confidential report forwarded to the Commission of Experts contains the names of some witnesses and suspects.

150. It is recommended that other measures to be undertaken in respect of this investigation should include the collection of ante-mortem data, complete autopsies, as well as interview of victims, witnesses, and suspects.

Part Two

REPORT OF A PRELIMINARY MEDICOLEGAL INVESTIGATION OF A SERIES OF CLANDESTINE GRAVES NEAR PAKRAČKA POLJANA, FORMER YUGOSLAVIA

I. EXECUTIVE SUMMARY

151. From 20 October to 9 November 1993, an international forensic team, assembled by Physicians for Human Rights (PHR), conducted a preliminary medicolegal investigation of a series of clandestine graves near the village of Pakračka Poljana, in the territory of the former Yugoslavia. The work was carried out on behalf of the United Nations Commission of Experts under a Cooperation Service Agreement concluded between PHR and the United Nations,

with logistical and technical support provided by a detachment from the Dutch armed forces, UNPROFOR.

152. Based on the preliminary medicolegal investigation, the forensic team concludes:

(a) Nineteen individuals (16 males, three females) were buried in nine separate graves in a field south of Pakračka Poljana. The graves were shallow and appeared to have been dug by hand. Leaves found in the bottom of some graves and the clothing on several individuals, including heavy jackets and sweaters, suggests that burials took place in the autumn or early winter.

(b) The area around the graves was used as an execution site. Expended .22 calibre, .25 calibre, 9 millimetre calibre, and 7.62 by 39 millimetre calibre cartridge cases were found adjacent to six of the graves. Expended rounds were also found near some of the bodies or recovered from clothing. Five of the bodies had their hands tied with rope. Other bodies had their hands together, sometimes in extremely awkward positions, but no rope was found during the excavations. It is possible that the hands had been bound but that the binding was made of a natural fibre that disintegrated. Fifteen of the bodies exhibited gunshot wounds to the head; two had blunt head trauma; one had multiple gunshot wounds to the arm and leg; and one had massive head trauma.

(c) The nine graves are clandestine burials. The isolated location of the graves suggests that the executioners intended to bury their victims secretly. The graves were within a short distance of a road that could be accessed by a truck or other vehicle. The graves were also adjacent to large, woody vegetation that screened the area from at least one direction.

(d) There was no indication that the graves had been disturbed since the time of interment.

153. The PHR forensic team is prepared to begin the second phase of the medicolegal investigation of the remains recovered near Pakračka Poljana. This phase will require removal of the bodies from the trench burial, where they were re-interred after exhumation, a preliminary post-mortem examination in a field morgue, and transporting them to an appropriate morgue facility for autopsy. The forensic team intended to return to the site in April 1994 to continue the investigation.

154. To complete the investigation, the forensic team will require the following support:

(a) Ante-mortem Information: PHR is confident that most, if not all, of the bodies recovered near Pakračka Poljana can be positively identified. However, this will require the collection of ante-mortem records of persons believed to have disappeared in the area of UNPA Sector West from 1991 to 1992. Members of the forensic team will also need to interview family members of the disappeared. PHR is prepared to work with the United Nations and all other interested parties to obtain ante-mortem information.

(b) Transportation of the Bodies: To maintain security and chain-of-custody of the bodies and other evidence, UNPROFOR should be in charge of transporting them from the trench burial to a morgue facility in the former Yugoslavia or another country.

(c) Medicolegal Examination Autopsy: The medicolegal examination of the bodies and artifacts will be conducted by a PHR team of forensic specialists in pathology, radiology, physical anthropology, and odontology.

The team will need a facility that has hot and cold running water, adequate space and lighting, ventilation and heating, X-ray capabilities, basic autopsy tables, and refrigeration units for storage of the bodies.

(d) Other Investigations: Witness statements suggest that a link may exist between the graves and a soccer clubhouse, located a short distance from the site. The clubhouse is located next to the soccer field in Pakračka Poljana. It is alleged to have been used as a secret detention centre by the Croatian military and police from August 1991 to March 1992. This period corresponds with the likely time of burial of most, if not all, of the 19 bodies. Moreover, survivors of this centre allege that male and female detainees were executed at or near the centre. An appropriate UN agency should conduct an in-depth investigation of the activities at the Pakračka Poljana soccer clubhouse from 1991 to 1992. To the extent possible, UN investigators should interview local residents and former detainees, who should be asked to provide the names and gender of fellow detainees, their approximate ages, dates of detention, and other relevant information. Such information may help to identify the 19 bodies and return them to their families, and to determine who was responsible for these "murders".

II. INTRODUCTION

155. From 20 October to 9 November 1993, an international forensic team, assembled by PHR, conducted a preliminary medicolegal investigation of a series of clandestine graves near the village of Pakračka Poljana, in the territory of the former Yugoslavia. The investigation was carried out in collaboration with graves registration personnel from the Dutch armed forces and a Canadian team of lawyers and military policemen. A detachment from the Dutch military provided the PHR team with logistical and technical support.

156. Since December 1992, PHR has conducted medicolegal investigations of alleged war crimes in the former Yugoslavia under the auspices of the United Nations Commission of Experts ("Commission"). The Commission is charged under UN Security Council Resolution 780 (1992) to collect and analyse evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia.

157. PHR first learned in March 1993 that several clandestine graves might be located near Pakračka Poljana. At that time, the members of the forensic team and a Commission member travelled to Daruvar, in the UN Protected Area of Sector West, to meet with UNPROFOR Civilian Police (CIVPOL). During the meetings, CIVPOL monitors produced reports and photographs from their investigations of several individual and mass graves in the area of Pakračka Poljana and Marino Selo. Most of the information was based on interviews with local informants, including relatives or friends of persons who had reportedly disappeared after being detained by Croatian military or police personnel from August 1991 to March 1992.

158. According to information collected by CIVPOL monitors, members of the Croatian military and police had allegedly abducted hundreds of ethnic Serbs (and some ethnic Croats) and held them in detention centres, where they were interrogated under torture. Some detainees were eventually released in prisoner exchanges and later testified about their treatment in detention. Most of the detainees, however, were allegedly executed by their captors and buried in unmarked graves.

159. Local informants provided CIVPOL monitors with the names of the alleged perpetrators of these crimes. Informants also described the location of several detention centres. One such centre was a building that had served as

a changing room or clubhouse for soccer players in Pakračka Poljana. Survivors of this centre have described the building's interior, noting that door handles had been removed from certain rooms to keep detainees locked in.

160. CIVPOL monitors had information on three possible mass gravesites in the area of Pakračka Poljana. All three sites were within three to five kilometres of one another. In their reports, the monitors referred to these sites as "A", "B", and "C". Site A was reported to be a small, almost completely exposed grave, containing the remains of five bodies. Site B allegedly consisted of two graves approximately five feet by six feet each, containing an unknown number of bodies. Site C was said to be located in a large, open field. It consisted of two trench burials, allegedly containing 200 bodies, as well as several small graves that followed along the bank of a stream in the same field.

161. By May 1993, CIVPOL monitors reported that Site C was all that remained of the three independent sites. In mid-March, Croatian officials had apparently removed the remains from site A and taken them to an unknown location. Site B was similarly tampered with in early May. When CIVPOL monitors visited site B, they discovered trees had been planted over the former graves "as an obvious ruse to mask the fresh digging".

162. On 4 May 1993, CIVPOL monitors visited site C and walked the length of the field. In their daily report, they noted that there appeared to be "not two but 17 elongated mass graves". They speculated that the total number of bodies at the site could be as high as 1,700. 2/ The monitors noted, however, that until the trenches were opened, there was no way of verifying if, indeed, they were mass graves.

163. The following report describes the medicolegal investigation conducted by the PHR forensic team and the Dutch graves registration personnel from 20 October to 9 November 1993. Section III on the Archaeological Field Report was written by Melissa Connor, Ph.D.; Douglas D. Scott, Ph.D.; Ivan Caceres-Roque; Luis Fondebrider; and Ralph Hartley, Ph.D. Section IV, Preliminary Post-mortem Examination of Remains, was written by Robert H. Kirschner, M.D.; Eric Stover and William H. Haglund, Ph.D., edited the report.

III. ARCHAEOLOGICAL FIELD REPORT

A. Site Description

164. On 20 October 1993, a five-member PHR team, led by Clyde C. Snow, Ph.D., arrived at site C. Four days later, on 24 October, they were joined by a second PHR forensic team that had been deployed to UNPA Sector East. For several months prior to the team's arrival, site C had been secured and guarded by a Jordanian contingent of UNPROFOR.

165. Site C is located south of the village of Pakračka Poljana. The site is on the south side of the creek named Pakra, directly east of the road leaving town to the south. The area can be accessed by a dirt-field road running east from the paved road. During the excavations, a United Nations checkpoint was positioned on the west side of the road, about 65 metres north of the dirt road.

166. The site area lies about 116 metres above mean sea level (data from a Global Positioning System [GPS] reading of 381 feet). It lies at a latitude of 45 27 72 N and a longitude of 016 59 14 E (this is the position of Datum 2, taken from a GPS reading using the WGS-84 datum). The site area is a very

flat alluvial flood plain, contributing to the Pakra and Bjela drainages. To the south, the houses of Janja Lipa can be seen across the floodplain.

167. Pakračka Poljana is a village surrounded by farmland and pasture. The area north of the dirt field road appears to be used solely for pasture. The area from the field road south to the canal appears predominately used for crops, although cows were also grazing in this area during the investigation. Along the road and the creek bank is a more weedy and woody vegetation, containing tall grasses, bushes, and trees.

168. The PHR team found 23 disturbed areas south of the field road on which the site was entered. These disturbed areas, later designated Feature C1 through Feature C23, matched the trenches described in the CIVPOL reports. During the course of the investigation, the PHR and Dutch and Canadian teams ran test trenches across all of the disturbed areas and found no evidence of human remains. According to a local resident, the trenches had been used as bunkers, during fighting in the area in 1991 and were later covered with earth.

169. However, the forensic team did find nine separate graves at site C, containing a total of 19 bodies. Eight of the graves were along the dirt field road at the north end of the site. The exception, C10, was approximately 386 metres to the south from the field road. South of this grave was a gap in the trees that appeared to be an unused field road. C10 was about 25 metres east of the paved road, separated by a tree-filled depression. The grave was east of the depression, dug into the berm that bordered it. Of the eight graves along the main dirt field road, seven bordered Pakra Creek. The eighth (C1A) was to the south-east of the junction of the paved road and the dirt road, directly adjacent to the trees bordering the ditch along the road. These nine burials corresponded with the graves described in the CIVPOL reports.

170. A soil column, taken from the west wall of the excavation unit around CS1, was sent to the University of Nebraska-Lincoln Soils Laboratory for analysis. The soil is a silt loam to silt clay loam. It is relatively acid near the surface (pH=5.31 at 10 centimetres) and becomes more basic with depth (pH=7.18 at 80 centimetres). The water table was encountered at about one metre below surface in the area of Feature C1 and C2. The combination of changes in the soil pH and moisture with depth may be reflected in differences in the decomposition of the bodies discussed in this report.

B. Methods

1. Electronic mapping procedures

171. The site, associated artifact finds, natural and cultural features, excavation units, grave pits, and human remains were recorded utilizing standard, professionally-recognized archaeological mapping procedures. The mapping procedure was enhanced by the use of an electronic data recorder, which allowed a greater degree of precision in individual measures and data logging. The instrument was a Lietz SET5A total station theodolite with an SDR33 electronic data recorder. Each theodolite shot was recorded on the data recorder and given a previously established identification code. The specific artifact number was provided by the SDR33 used in auto-generate point mode. The electronic data recorder is equivalent to a surveyor's fieldbook.

172. A primary datum was established near Features C1 and C1A. This datum (Datum 1) was given the arbitrary coordinates of N2000/E2000 and an elevation of 100. Datum 2 was established 35 metres south of Datum 1 and was used as an

orientation and backsite datum for all readings taken from this location. Six subordinate datums numbered 3 through 8, were estimated on other site areas to provide clear and unobstructed readings with the theodolite and to minimize distances between the operator and the rodman.

173. The electronic mapping equipment captured raw data, including horizontal angle, vertical angle, slope distance, and elevation, for each reading taken. Each reading was automatically converted to coordinate position by the SDR33 data collector. Data collected to generate the electronic map included, but was not limited to, locations of: excavation unit boundaries, grave pit outlines, body outlines, physical evidence found with the bodies, physical evidence outside the excavation limits (bullets and cartridges found by metal detecting), and relevant cultural and natural features.

174. Each artifact found in situ was piece-plotted as follows. The instrument was set up on one of the datum points. Distance, azimuth, and coordinate point readings for each location were recorded electronically. Distance was read to the nearest one millimetre and the north and east coordinates were calculated using the tolerance. Grave pit outlines, individual body outlines, and other relevant cultural and natural features were recorded in the same manner.

175. At the conclusion of each day's field investigations, the data collector was downloaded to a Dell 325N laptop computer containing the software MAP. The resultant computer file was then transferred to the software AUTOCAD for storage and final site map production.

2. Photographic recording procedures

176. Photography was conducted at site C using both still and video cameras. Log books were used to record film numbers and to describe the activity being recorded on film. The information recorded on the forms for each roll included the name of the photographer, the location, site, film type, the assigned roll number, ASA of the film, and the number of exposures available. Information about each exposure taken included the date, the exposure number, the compass direction of the lens and a brief description of the image being photographed. The log books and film were released to the Canadian military police at the site immediately after each roll of film or video tape was taken from the camera and labelled by the photographer.

177. The main purpose of the video documentation was to record the forensic methods and procedures used in the medicolegal investigation of individual and mass graves. At various points during the investigations, experts in charge of specific areas of the work explained in front of the camera the procedures and objectives of each step. The investigators described the archaeological procedure in use, how evidence was being mapped and collected, and what chain of custody measures had been taken.

178. The Canadian military police began still photography at site "C" prior to the arrival of the PHR photographer on 24 October, when he then took over the responsibility for still photography. At that time, two excavations, C1A and C1O, were in progress. Photography during grave exhumation was oriented to five general subjects: (1) the gravesites and their immediate surroundings; (2) the procedures and progress of excavation of soil from above, and around, the bodies; (3) artifacts found during the excavation process, photographed in situ; (4) the completed excavation prior; and (5) process and progress of the removal of the bodies from the grave to body bags.

179. All photographs included a label identifying the grave designation, the date, and the photographer. In each photograph, plastic measurement scales, in metric units, were positioned as a reference. A physical marker orienting the cardinal direction of north was also placed in each image photographed.

3. Surface inventory and metal detecting

180. The surface inventory operations were designed primarily to locate cartridge cases and other physical evidence associated with the deposition of the bodies. This effort was enhanced by the use of an electronic metal detector, a Fisher Model 1235-X with a 30 centimetre diameter coil. A Dutch metal detector used for de-mining was also utilized in conjunction with the Fisher 1235-X. The surface was visually examined concurrently with the metal detector sweeps.

181. During the investigation, the detector operator walked transects across the area being investigated swinging the detector back and forth over the ground surface. When material was located, either visually or through the detector, a pin flag was placed at the target site. Around the grave sites C1A and C10, a circular area 10 metres in diameter was investigated. In the CS area, the investigations were conducted as east and west linear transects from the treeline, along the stream, and south to the tree line bordering the farm access road.

182. Items determined to be evidence or of questionable association were recorded using the electronic mapping procedures. Each item deemed evidence was collected and bagged by the Canadian military police. Each plastic bag contained one item, which was labelled with the number generated by the SDR33 and sealed by the military police. The physical evidence was retained in their custody at all times.

4. Locating remains by probing

183. Dutch and PHR investigators used wooden-handled, metal probes, .6 centimetres in diameter and approximately one metre long, to probe areas of interest for human remains. Investigators inserted the probes into the ground of suspect areas in an effort to encounter subsurface resistances that could indicate the presence of human remains. Upon withdrawal, the tip of the probe was sniffed to detect malodour that would indicate the presence of decomposing flesh. Positive findings were flagged as potential graves.

5. Excavation of remains

184. Standard archaeological methods and procedures were used to excavate the graves. Once a potential grave was located by probing, the surface was passed over with metal detectors and surface discoveries mapped and collected. A three metres by 20 metres swath of sod, approximately 10 centimetres deep, was removed from the surface areas over sites CS2-7. The sod was cleared to define the extent of disturbed soil that indicated the grave outline. For excavation purposes, the clearing was extended to include a generous area surrounding the actual grave outline. The disturbed area surrounding the remains was totally excavated and bodies numbered, as encountered. Using small hand tools, the forensic investigators further exposed the remains. A pedestal of earth was left in place to support the body. A supportive matrix of earth was left about the head and neck area to ensure intact removal in a single unit. All surface artifacts not directly on the body were electronically mapped, catalogued, and collected.

6. Removal of remains

185. Once the remains were exposed, mapped, and photographed, they were freed from their supporting pedestals and placed on a metal sheet. The metal sheet was then lifted to ground level, where the remains were slid into body bags.

186. Exceptions to this procedure occurred when skeletonized, disarticulated elements of hands and wrists were present. These were removed separately and bagged to be included with the body. A preliminary inventory of observable clothing was undertaken during the excavation and removal process. However, detailed description of trauma, clothing, and artifacts directly associated with the body were deferred until the time of the post-mortem examination of the remains.

187. It should be noted that in the few cases where identification documents were found on or near a body, they were removed, photographed, and preserved. Pending confirmation of a positive identification based on a complete autopsy, names will remain confidential. After removing the bodies, a metal detector was passed over the grave floor to detect possible metal artifacts, and the soil was probed and screened to detect possible further bodies.

C. Findings

1. Features other than graves investigated

188. As mentioned earlier, the CIVPOL reports identified a number of large trenches along the edge of the field, near the paved road. A series of possible features were identified and investigated. While the PHR team completed excavations at Features C1 and C2, members of the Canadian and Dutch teams examined the site area for the remainder of the disturbed areas described by the CIVPOL monitors. They numbered the areas investigated sequentially, Feature C1 to Feature C23, and then used a backhoe to probe all of them. The Canadian and Dutch teams also probed the creek bank and other areas, including the soccer field north of the UNPROFOR Jordanian checkpoint, to ascertain if human remains were present. These probes were all negative.

189. No human remains were uncovered in Features C1 through C23. Moreover, there was no evidence of any activity related to the mass execution or mass burial of human remains in any of the features. Archaeological test probes on C1 and C2, as well as the extensive backhoe trenching on C3 through C23, found no evidence of any activity related to the mass execution or mass burial of human remains. The temporal relationship of these features to the graves is unknown, but it is likely that they represent a totally different event. Local residents have said that these features were bunkers used during fighting in the area in 1991.

2. Excavation of graves at site C

190. On 22 October, human remains were located in Feature C10, at which time it became known as Grave C10. On 23 October, human remains were found west of Feature C1. This site was then designated Grave C1A. While the excavations were ongoing at Graves C1A and C10, probing for further human remains was completed along the stream bank to the north of the field road. Human remains were located along the stream in a series of seven separate graves. The graves were numbered sequentially as they were uncovered, starting with one. To avoid confusion with the other sequence of numbers, these were given a "CS" designation. The "C", as before, was a reference to site C, and the "S" referred to the location by the stream bank. The bodies, and their relative

depths, are summarized in Table 2.

(a) Grave C1A

191. The grave was located, on 23 October, adjacent to the tree line bordering the road, and west of Feature C1. Slight undulations in the ground surface here had led to the use of a probe. The probe located probable bone and a quick hole with a trowel uncovered two ribs and a human vertebra. The remains were removed from the grave on 27 October.

192. The grave contained the remains of one mostly skeletonized corpse. During removal of the corpse, it was found that tissue remained near the spinal column and chest cavity on the underside of the body. Some tissue and hair also remained underneath the cranium.

193. The skeleton lay on its left side, in a semi-flexed position. The feet were pointed toward the north, the shoulders toward the south. The head was positioned as if looking toward the feet. Some hair was found along the mandible, suggesting the individual may have had a beard. The left arm was positioned with the humerus over the skill, and flexed at the elbow, with the hand under the body. Of the right arm, only the elbow was visible during excavation, with the remainder of the arm underneath the body. During removal, it was found that both hands were together, although there was no evidence that they were tied.

194. Artifacts found with the remains included a wire nail, a tack, a buckle, a nut husk, and a bullet. All were electronically mapped and catalogued as evidence. The wire nail, buckle, and nut husk were found in the pit fill, above the body. These were on the east side of the body, near the right femur. The tack was also in this general area, but at a slightly lower depth. The bullet was located several centimetres below the skull and was only found through the use of the metal detector after excavation.

195. A detailed itemization of clothing and trauma is deferred until the time of post-mortem examination.

(b) Grave C10

196. The grave was located on 23 October and the bodies removed on 27 October. The grave was situated on the western end of site C, in an area dominated by trees and thickets. There is a path 30 metres to the west of C10. A small trench was clearly discernable at the locale prior to exhumation. The grave contained two bodies, C10-A and C10-B, lettered sequentially in order of discovery. The remains appear to have been buried at the same time, C10-B first, followed by C10-A. The grave was elliptical and approximately two metres long, one metre wide, and its maximum depth is 73 centimetres from the present ground surface.

197. The grave soil was yellow and relatively homogeneous, though degrading a bit in coloration. Roots were the only organic material present. There was organic material, different in colour, composition, structure, and consistency, in the above-mentioned soil in the bottom of the grave. It was dark grey, dry, and hard. The grave fill was examined for inclusions, and the soil in contact with the bodies was screened with negative results.

198. The body designated C10-A was on its left side, with its right leg flexed. Its left leg crossed over both legs of C10-B. The head pointed toward the west, with the face looking in the same direction. The right arm

was extended to one side and the left arm was flexed with its hand covering the face. The body of C10-A was in an advanced stage of decomposition. The body identified as C10-A was in direct contact with body C10-B. The leaves in the grave suggest that it was dug in the autumn or early winter.

199. During the investigation, the following artifacts were found to be associated with the bodies:

(a) A rusted screw found at a depth of 53 centimetres, 95 centimetres from the western wall and 40 centimetres from the southern wall;

(b) Several tree leaves, found 54 centimetres deep, 80 centimetres from the western wall and 200 centimetres from the southern wall;

(c) A rusted nail, found deep, 87 centimentres from the western wall and 200 centimentres from the southern wall; and

(d) A cigarette filter, found 52 centimetres deep, 47 centimetres from the western wall and 100 centimentres from the southern wall.

Soil samples were taken from one boot and a control sample from near the boot. Hair and scalp samples were also collected.

200. C10-B was lying face down, with the right leg slightly flexed. The arms were flexed toward the head. C10-B was directly adjacent to C10-A, suggesting burial at the same time. Soil samples were collected from one boot and a control soil sample from near the boot. C10-B was in an advanced state of decomposition.

201. A detailed itemization of clothing and trauma is deferred until time of autopsy examination.

(c) Grave CS1

202. The grave was located on 26 October, and the bodies were removed on 27 October. CS1 was located on the east side of a small stream, within the bend of a large loop made by the stream. It contained two bodies designated CS1-A and CS1-B.

203. Body CS1-A was lying on top of body CS1-B. Both were lying in supine positions with the head to the south and the feet to the north. CS1-A was slightly to the north of CS1-B, so that the feet of CS1-A were roughly above the knees of CS1-B. Conversely, the head of CS1-B was below the upper torso of CS1-A. Both bodies had adipocere present, and the clothing appeared well-preserved.

204. A jacket was located north of the feet of both bodies and at the level of CS1-A. Roots growing through the jacket had maximum diameters of .6 to .8 centimentres. Inside the bottom left pocket of the jacket were what appeared to be two nut husks, similar to the husk in Grave 1A. A cigarette filter and a seed were also found in the pocket. A whiteware ceramic shard was found below the body. It appears to be intrusive, and was probably a fortuitous inclusion in the grave fill. The entire area along the stream bank had been utilized as a trash disposal site for an undetermined period.

205. CS1-B was directly under CS1-A and a little to the north. The individual was buried in a supine position with the same orientation as CS1-A. The hands were together on the front of the body. There was a gold band on the fourth finger of the left hand. The head was turned to the right, or

east. CS1-B was wearing smooth-soled sneakers. The cloth had rotted and the eyelets were removed separately during excavation. Facial hair included a goatee and moustache.

206. To the south of CS1-B, at the bottom of the pit, was a large piece of charred wood. This was present in the pit before it was filled in and lay beneath the jacket. Leaves were also found in the bottom of the pit and appeared similar to the leaves from the trees adjacent to the pit by the stream bank.

207. When CS1-B was removed, a large root was found underneath. This, as well as the soil characteristics, suggested that the pit ended directly under CS1-B.

208. A detailed itemization of clothing and trauma is deferred until time of autopsy examination.

(d) Grave CS2

209. Excavation commenced on 27 October and concluded on 2 November with removal of the bodies. The grave contained two bodies, CS2-A and CS2-B, lettered in order of their discovery in the grave. Backhoe activity had uncovered part of the remains. A balk of soil, 15 centimentres thick, separated the two bodies.

210. The shape of the grave pit was clearly discernable. The measurements of the semi-elliptical grave were 227 centimentres east to west, 103 centimentres at the maximum width, and a minimum width of 94 centimentres. The grave measured 93 centimentres deep from its opening. The soil of the grave walls was yellow and relatively homogeneous, degrading in coloration and with a few roots. The floor of the grave was similar to that described for grave C10.

211. CS2-A was in a semi-seated position on its back with its left leg flexed and the foot underneath the right knee. The right leg was extended with the foot (clad in a boot) pointed to the south. The hands were together and resting on the pelvis. No evidence of binding was evident. The body sat facing south, with the face looking downward and to the south-east. The back was almost perpendicular to the legs. The body rested on a green blanket, which covered part of the left leg. It appears that the body was placed in the grave, perhaps by using the blanket as a carrying device. It also appears the grave was not large enough to lay the body down, so it was placed in a semi-sitting posture and oriented perpendicular to CS2-B.

212. CS2-A showed moderately advanced skeletalization. Post-mortem fractures caused by the backhoe were observed on the skull. The facial area was almost completely missing and it appeared, from fracture lines present, that perimortem trauma destroyed the face and jaw. The body was almost totally covered by clothing, so no other observations are possible.

213. Body CS2-B was west of body CS2-A. The body was found prone in a semi-flexed position. The hands were together, underneath the body, with arms flexed so that the hands were close to the face. No evidence of binding of the hands was evident. The body lay with the head to the west and facing south. CS2-B showed extensive adipocere, and with the exception of the skull, no exposed bones could be seen. Adjacent to the main excavation trench, and in an area previously undisturbed, several cartridge cases were discovered.

214. Clothing and trauma will be further described at the time of autopsy examination.

(e) Grave CS3

215. Excavation commenced on 27 October and concluded 2 November with removal of the bodies. The grave's dimensions were 2.03 metres long and 50 centimentres wide. The soil of the grave pit bottom was composed of a relatively homogeneous material. Some roots were also present. The soil of the walls was a bit darker and less homogeneous.

216. The grave contained two bodies, CS3-A and CS3-B. CS3-A was lying on top of CS3-B with no soil intervening.

217. CS3-A was found in a prone position, with both arms stretched out above the head and the hands together. The body was oriented east-west with the head to the west. The left leg was stretched over the right. The head was face down, and the left side of the face was resting on the left side of CS3-B. The hands covered the head of CS3-B.

218. CS3-B was in a prone position, with the head toward the west and face down. The right arm was flexed toward the head. The left arm was extended overhead. CS3-B was almost entirely covered by CS3-A.

219. A detailed itemization of clothing and trauma is deferred until time of autopsy examination.

(f) Grave CS4

220. The grave is located along the south side of the stream bank to the west of the loop containing CS1. Excavation on CS4 began on 28 October, and the bodes were removed on 3 November 1993. Backhoe activity uncovered the crania, resulting in some damage. The grave pit was irregular in shape, and its maximum dimensions were 1.8 metres by 1.7 metres.

221. The grave contained four bodies (CS4-A, CS4-B, CS4-C, CS4-D), which were intermingled. The order of deposition was not evident until the bodies were removed.

222. CS4-A was the first body laid in the grave pit. The legs were pinned under both CS4-C and CS4-D. The left shoulder was pinned under CS4-B. This individual was sitting in a V-shaped position. The hips were lower than the head and the feet higher than the hips. The legs were spread apart and pointing to the east. The arms were tied behind by a length of rope around the wrists.

223. A piece of printed cloth was found under the skull and may have been the remains of a scarf. The individual appeared to have shoulder-length or longer hair and was wearing ankle-high shoes and support knee-high stockings. A skirt went at least to mid-thigh but was probably longer.

224. CS4-B was the second individual placed in the grave pit. The legs were pinned under CS4-D. CS4-B was in a supine position, with the head pointed towards the south and the feet to the north. The legs were slightly canted to the individual's left (west) with the feet higher than the head. The legs were more or less parallel. The hands were tied behind the back with a length of rope, to be further described by the pathologist. Both feet were clad in shoes.

225. CS4-D was the third individual placed in the grave. The head was on top of CS4-A. The body was supine, extended with the cranium to the west, face looking up. The upper body was slightly flexed to its right (north). The

legs were together, with the feet pointing to the east. The hands were tied together beneath the body, right hand to the outside. The individual's trousers were pulled down to the ankles and the feet were bound in the trousers. Under the trousers, the individual was wearing long underwear, which was still in place on the legs. The belt was still in the trousers and was buckled directly above his ankles. The skull had been hit with the backhoe during removal.

226. CS4-C was the last body laid in the grave. The individual was on the easternmost side of the pit; head to the south and feet to the north. The head was bent down, facing the feet. The body was canted toward the side, left side down and right side up. The right leg was straight and the left flexed, meeting at the ankles. Both hands were tied together behind the back.

227. Following removal of the remains from grave CS4, metal detection indicated a shoe north of body CS4-A. In this area was another piece of patterned cloth that may have been part of a scarf. Under this was a cap with a small bill. Under the cap was a wallet.

228. Further use of the metal detector located a rivet under the hip of CS4-C, near the south edge of the grave. The rivet was attached to several seams, but the clothing was decayed. The rivet was decorated with three, five-pointed stars along one portion of the edge and an ivy branch along the remaining portion of the edge.

229. A detailed itemization of clothing and trauma is deferred until time of autopsy examination.

(g) Grave CS5

230. Excavation commenced on 29 October and concluded on 3 November with removal of the bodies. Probing identified a probable burial site. Two bodies were found side by side, CS5-A and CS5-B. Both bodies were oriented east to west. The grave pit was not clearly discernable until the excavations reached the remains. There, it appeared as an elliptical grave pit, two metres long and 60 centimetres wide, oriented east to west, had been dug. The pit was too short to bury the bodies in extended positions, and both bodies were flexed.

231. Above the bodies and near the north wall of the excavation unit an empty wallet (FS3780) was recovered.

232. CS5-A was found on the left side, in a semi-flexed position. The head was to the east and faced north. The arms were in front of the body, with the hand in front of the stomach, left hand crossed over the right. The legs were flexed at the knees and crossed left over right. The feet, clad in boots, were pointed north and spread apart.

233. CS5-B was lying on its right side, in the foetal position, with the head to the west and looking north. The left hand rested on the right just below the head. The right upper arm was raised slightly above the body, with the lower arm angled down at the elbow to join with the left hand. The legs were flexed at acute angles with the knees to the north. The feet were crossed at the ankles. The head and arms were touching CS5-B's head.

234. In both cases, the hands were found together in an awkward position, but no binding was apparent.

235. A detailed itemization of clothing and trauma is deferred until the time of post-mortem examination.

(h) Grave CS6

236. Excavation began on 29 October and ended on 3 November with removal of the bodies. The site was located using the probe. There was no surface evidence of remains in this location. In fact, the outline of CS6 (2.8 metres long and 80 centimetres wide) was not clearly discernable until the bodies had been nearly uncovered. The grave contained two bodies, CS6-A and CS6-B. This grave pit is the only pit besides CS1 that was longer than necessary for burial of the human remains. A briefcase and several other items were found in the extension at the east end.

237. The shape of the original grave was determined by examining the break in the soil where the grave had been dug. An elliptical shape was seen in the soil. The grave bottom was 55 centimetres from the surface. CS6-B was buried first and immediately covered with dirt. A layer of dirt 10 centimetres deep separated the two bodies.

238. CS6-A was prone with the legs extended and with both arms bent, so that the hands were immediately above the head. The body was oriented with the head to the east. The head was shrouded by cloth that appeared to be a shirt and jacket pulled up over the head. CS6-A was in an advanced state of decomposition. The head and portions of the trunk were partially skeletalized.

239. CS6-B lay in a supine position, with the head leaning to the east and the face looking upward. The right arm was on the chest and the left arm lay by the side. The body was at a slight angle to CS6-A. The head was oriented to the north-east and lay under the mid-section of CS6-A. The feet, clad in boots, were to the south-west and the toes were pointed outward in opposite directions. The hands were tied together.

240. After the bodies were removed, a metal detector indicated a cartridge (FS 1501) under body CS6-B, near the pelvis.

241. A detailed itemization of clothing and trauma is deferred until time of a postmortem examination.

(i) Grave CS7

242. Excavation began on 30 October and ended on 3 November with removal of the bodies. The grave, located underneath a recent trash pile, was discovered through probing. Much of the trash was fresh and was in the early stages of decay. Older trash was scattered along the creek bank and down the bank into the water. Grave CS7 contained two bodies, CS7-A and CS7-B, lying one on top of the other, oriented north to south.

243. CS7-A was in a supine position, with the head to the north and facing up. The left arm was flexed at the elbow and laid on the chest. The right arm was extended down the right side of the body. Both legs were extended.

244. CS7-B was in a supine position, with the head to the north and face up. The left arm was flexed at the elbow over the mouth, and the right arm was flexed over the right thorax. The right hand was underneath CS7-A.

3. Surface artifacts

245. Using the metal detector, team members found and retrieved 41 cartridge cases (Field Specimen numbers 3027-3048, 3049-3051, 3052, 3057-3071) in the

area adjacent to graves CS2 through CS7. Two unexpended rounds were also recovered (FS 3026 and 1503). The calibres represented are .22 calibre rimfire, .25 calibre pistol (including one unfired round), 9 by 18 millimetre pistol, 7.62 by 39 millimetre, one unidentified rimmed unfired round, and one unidentified rimless case dated 1940. The latter cartridge case may be unassociated with the graves, as it was deeper than the other cases, which were usually less than three centimetres deep. Also, it was more oxidized than the other cases.

246. The cartridge cases recovered appeared to fall into two clusters. The larger and more concentrated occurs between CS6 and CS7. Pistol- and shoulder-fired weapons cases were located in this area. The cases and unexpended rounds were found about two metres south of the field road and continued to the edge of the backhoe cut. The soil removal in the cut was done prior to metal detecting, and some patterned data may have been lost. The other cluster is much smaller in size. It consists of three cases, all .22 calibre, found in the road and south of CS4. Other cases were found scattered between the concentrations. All cases were found in, or north of, the field road.

247. Apart from the ammunition components, the metal detector located a wedding band (FS3024) and two coins (FS3023 and 3025) in the same area. One coin disappeared prior to recording. These items may be intrusive trash and unrelated to the graves. However, their locations were associated with the cartridge case concentration, so it was deemed appropriate to collect the specimens. The entire CS area was littered with recent trash. Bits of foil, nails, machine bolts and other debris were evident on the ground surface, as well as located by metal detector. These items were not recorded and were discarded after consultation with the Canadian military police.

248. In addition to the metal detecting around the grave sites, a metal detector search was initiated on the north side of the creek in an attempt to locate bullets that might be associated with the expended cartridge cases found near the graves. The ground was detected for five metres to the north, along the bank opposite the graves, and at selected locations up to 20 metres north of the creek. Trees that lined the creek bank were also swept for metal debris; no bullets were found. A tin of shoe polish and a pair of recently discarded trousers were located. The only evidence of gunfire was a single rotted tree branch. This branch, located due north of CS2 and on the creek's north bank, had a small hole through it that is consistent with a bullet hole. No metallic debris was detected, however.

4. Additional investigations

249. Approximately 200 metres east of CS1, a roughly rectangular hole was located along the south side of the field road and at the tree line. The hole was about 1.4 metres long, east to west, 90 centimetres wide, north to south, and about 90 centimetres deep. The bottom of the hold contained a variety of trash, including a dark green glass bottle. The trash, which appeared to be recent, could not be dated due to the lack of clearly diagnostic temporal features. The hole was probed, but no evidence of human remains were noted. It is unclear if the hole is associated with the graves at site C.

250. On 6 and 7 November, the PHR team undertook a limited investigation of the nearby soccer clubhouse or changing rooms and adjacent field. At the time of the investigation, the building was not in use. The clubhouse had allegedly served as a detention centre at about the time the nearby clandestine graves were dug and the bodies buried. One detainee is reported to have observed a hole being dug to the west of the clubhouse near the soccer

field. This location was identified and briefly investigated.

251. The clubhouse is a brick and mortar structure. The team mapped the building in the same manner as site C. It was noted that door handles were missing from some of the interior doors. Both general and detailed photographs were taken of the interior of the structure. Some time in 1993, the clubhouse had been used by UNPROFOR Canadian troops as a checkpoint. For this purpose, the building had been cleaned and the interior repainted.

252. The depression near the soccer field is approximately 15 metres north-west of the clubhouse. It is a roughly circular depression, about one metre in diameter and about 90 centimetres deep. The fill was removed with a shovel, and at a depth of about 40 centimetres, a concentration of trash was encountered.

253. The trash consisted of used foil jam packets, a yellow plastic detergent bottle, two aluminium beer cans with a "use before August 92" date on the bottom, and clothing. The clothes included underwear (briefs), women's stretch pants, and portions of a man's JNA uniform blouse or coat. Most thread holding the garment together had rotted, leaving only individual pieces. Several small JNA uniform buttons were noted on several pieces. The clothing and beer cans, as well as the depression, were photographed.

254. The depression contained trash, but the specific date of deposition could not be determined. The beer cans indicate that the deposit was created within the last two or three years. There is no definitive evidence to associate the contents with the use of the building as a detention locale, nor is there anything in the pit that indicates the deposition came later. No human remains were found in the depression.

IV. PRELIMINARY POST-MORTEM EXAMINATION OF REMAINS

255. By 4 November, the last of the 19 bodies had been removed from the graves and transported by stretcher to a field morgue within 100 metres of the gravesites. The Dutch government had provided the temporary facility, which consisted of a series of interlinking tents. Equipment for the field morgue was provided by PHR and the Dutch and U.S. governments. On account of the limited facilities, it was decided to conduct a preliminary post-mortem examination of the bodies and re-inter them on-site, until a complete autopsy could be performed in a proper facility.

256. From 3 to 6 November, Dr. Robert H. Kirschner, a forensic pathologist and a member of PHR's board of directors, supervised the preliminary post-mortem examination of the 19 bodies. Dr. Kirschner was assisted by members of the PHR team and personnel from the Dutch graves registration team (UNPROFOR). Chain-of-custody of evidence was maintained with the Canadian military police. For the duration of the post-mortem examination, UNPROFOR Jordanian troops guarded the field morgue on a 24-hour basis.

257. During the preliminary post-mortem examinations of the bodies, the team photographer kept log books, in the same manner described in Section III of this report. The photographer oriented his photographs to four general subjects: (1) the overall body on the examination table prior to physical examination; (2) the overall body after removal of clothing; (3) individual garments, personal adornments, and objects taken from clothing; and (4) features or in situ details of the body that reflect ante-mortem injury or physical restraints. All post-mortem examination photographs included a label identifying the assigned grave and body designation. In some cases, photograph labels included the date and the name of the photographer.

Plastic, metric scales were placed in each image photographed.

258. Pending a confirmation of a positive identification based on complete autopsy, names found on identification documents will remain confidential.

V. FINDINGS AND OBSERVATIONS

259. Based on the preliminary medicolegal investigation, the PHR forensic team concludes:

(a) Nineteen individuals (16 males, three females) were buried in nine separate graves in a field south of Pakračka Poljana. The graves were shallow and appeared to have been dug by hand. Leaves found in the bottom of some graves and the clothing on several individuals, including heavy jackets and sweaters, suggests that burials took place in the autumn or early winter;

(b) The area around the graves was used as an execution site. Expended .22 calibre, .25 calibre, 9 millimetre calibre and 7.62 by 39 millimetre calibre cartridge cases were found adjacent to six of the graves. Expended rounds were also found near some of the bodies or recovered from clothing. Five of the bodies had their hands tied with rope, all in graves CS4 and CS6-B. Other bodies had their hands together, sometimes in extremely awkward positions, but no rope was found during the excavations. It is possible that the hands had been bound but that the binding was made of a natural fibre that disintegrated. Fifteen of the bodies exhibited gunshot wounds to the head; two had blunt head trauma; one had multiple gunshot wounds to the arm and leg; and one had massive head trauma;

(c) The nine graves are clandestine burials. The isolated location of the graves suggests that the executioners intended to bury their victims secretly. The graves were within a short distance of a road that could be accessed by a truck or other vehicle. The graves were also adjacent to large, woody vegetation that screened the area from at least one direction; and

(d) There was no indication that the graves had been disturbed since the time of interment.

260. The PHR forensic team is prepared to begin the second phase of the medicolegal investigation of the remains recovered near Pakračka Poljana. This phase will require removing the bodies from the burial trench, where they were re-interred after exhumation and a preliminary post-mortem examination in a field morgue, and transporting them to an appropriate morgue facility for autopsy. The forensic team intended to return to the site in April 1994 to continue the investigation.

261. To complete the investigation, the forensic team will require the following support:

(a) Ante-mortem information: PHR is confident that most, if not all, of the bodies recovered near Pakračka Poljana can be positively identified. However, this will require the collection of ante-mortem records of persons believed to have disappeared in the area of UNPA Sector West from 1991 to 1992. Members of the forensic team will also need to interview family members of the disappeared. PHR is prepared to work with the United Nations and all other interested parties to obtain ante-mortem information;

(b) Transportation of the bodies: To maintain security and chain-of-custody of the bodies and other evidence, UNPROFOR should be in charge of transporting them from the trench burial to a morgue facility in the former

Yugoslavia or another country;

(c) Medicolegal examination - autopsy: The medicolegal examination of the bodies and artifacts will be conducted by a PHR team of forensic specialists in pathology, radiology, physical anthropology, and odontology. The team will need a facility that has hot and cold running water, adequate space and lighting, ventilation, heating, X-ray capabilities, basic autopsy tables and refrigeration units for storage of the bodies; and

(d) Other investigations: Witness statements suggest that a link may exist between the graves and a soccer clubhouse, located a short distance from the site. The clubhouse is located next to the soccer field in Pakračka Poljana. It is alleged to have been used as a secret detention centre by the Croatian military and police from August 1991 to March 1992. This period corresponds with the likely time of burial of most, if not all, of the 19 bodies. Moreover, survivors of this centre allege that male and female detainees were executed at, or near, the centre. An appropriate UN agency should conduct an in-depth investigation of the activities at the Pakračka Poljana soccer clubhouse from 1991 to 1992. To the extent possible, UN investigators should interview local residents and former detainees, who should be asked to provide the names and gender of fellow detainees, their approximate ages, dates of detention, and other relevant information. Such information may help to identify the 19 bodies and to determine who was responsible for these murders.

VI. ACKNOWLEDGEMENTS

262. The PHR forensic team is extremely grateful to Laura Reiner, who provided administrative and editorial assistance in Boston, Massachusetts, U.S.A.

263. Members of the forensic team were:

(a) Eric Stover, executive director of Physicians for Human Rights, Boston, Massachusetts, USA;

(b) Clyde Collins Snow, Ph.D., forensic anthropologist and senior forensic consultant to Physicians for Human Rights, Norman, Oklahoma, USA;

(c) Robert H. Kirschner, M.D., forensic pathologist, board member of Physicians for Human Rights, and Deputy Chief Medical Examiner, Cook County, Illinois, USA;

(d) Ivan Caceres-Roque, forensic archaeologist with the Chilean Forensic Anthropology Team, Santiago, Chile;

(e) Isabel M. Reveco, forensic anthropologist with the Chilean Forensic Anthropology Team, Santiago, Chile;

(f) Mercedes Doretti, forensic archaeologist with the Argentine Forensic Anthropology Team, Buenos Aires, Argentina;

(e) Burney McClurkan, archaeologist and historian with the Arkansas Highway and Transportation Department, Little Rock, Arkansas, USA;

(f) Douglas D. Scott, Ph.D., archaeologist with the Midwest Archaeological Centre, National Park Service, Lincoln, Nebraska, USA;

(g) Stefan Schmitt, forensic archaeologist with the Guatemalan Forensic Anthropology Team, Guatemala City, Guatemala;

(h) Melissa Connor, Ph.D., archaeologist with the Midwest Archaeological Centre, National Park Service, Lincoln, Nebraska, USA;

(i) Ralph Hartley, Ph.D., archaeologist with the Midwest Archaeological Centre, National Park Service, Lincoln, Nebraska, USA;

(j) William D. Haglund, Ph.D., forensic anthropologist with the King County Medical Examiner Division, Seattle, Washington, USA;

(k) Francis A. Calabrese, Ph.D., archaeologist with the Midwest Archaeology Centre, National Park Service, Lincoln, Nebraska, USA;

(l) Luis Fondebrider, forensic archaeologist with the Argentine Forensic Anthropology Team, Buenos Aires, Argentina; and

(m) Marko Simunovic, M.D., M.P.H., physician and consultant to Physicians for Human Rights, Toronto, Canada.

264. PHR wishes to thank its members and several foundations and companies for their generous support of the organization's work in the former Yugoslavia: Soros Yugoslavia Fund, Rockefeller Foundation, Smith-Richardson Foundation, The New Land Foundation, Joyce Mertz-Gilmore Foundation, John Merck Fund, Lufthansa Airlines, Kamp Air Freight, Miles Dental Products, Henry Schein Company, Baxter Health Care Hospital Supply, Medi-Mouse Patient Management Systems, Shandon Lipshaw, General Electric Medical Systems, Sokkia Corporation, Transit Works, Polaroid Corporation, AGFA Corporation, AGFA Compu Graphic, United Parcel Service, Vista Travel, Ferranti-Dege, Olsen Images and the US National Park Service. PHR also is grateful to the US Government, which contributed equipment and supplies to the United Nations Commission of Experts for use during the medicolegal investigation.

265. PHR gratefully acknowledges the superb logistical, security,and technical support provided by the UNPROFOR contingents of the Dutch and Jordanian armed forces.

Notes

1/ The War Crimes Investigation Team (WCIT) consisted of military personnel from the Canadian Office of the Judge Advocate General, as well as military investigators who were seconded from Canada to the Commission of Experts for this specific mission. Similar teams were also seconded by Canada to the Commission for other missions. Such teams were referred to within the Commission and for the purposes of its reports as the Canadian War Crimes Investigation Team.

2/ The Belgrade-based Serbian Council Information Centre has also reported the figure of 1,700 bodies buried at this site. In its report, the Centre refers to the investigations of mass graves conducted by CIVPOL monitors. See Serbian Council Information Centre, Death Camps and Mass Graves in Western Slavonia: Marino Selo and Pakračka Poljana, August 1993, p. 3.

FINAL REPORT OF THE UNITED NATIONS COMMISSION OF EXPERTS
ESTABLISHED PURSUANT TO
SECURITY COUNCIL RESOLUTION 780 (1992)

ANNEX XI
DESTRUCTION OF CULTURAL PROPERTY REPORT

Prepared by:

M. Kéba M'Baye
Member of the Commission of Experts
Established Pursuant to Security Council
Resolution 780 (1992)

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 12	3
	A. Sources of information	1 - 5	3
	B. Applicable law	6 - 9	4
	C. Cases cited as examples	10 - 12	4
II.	BATTLE OF DUBROVNIK	13 - 38	5
	A. The facts	13 - 30	5
	B. Characterization of the battle of Dubrovnik	31 - 34	7
	C. Imputability	35 - 37	8
	D. Recommendations	38	8
III.	MOSTAR BRIDGE	39 - 46	9
	A. The facts	39 - 43	9
	B. Characterization of the destruction of Mostar Bridge	44	9
	C. Imputability	45	10
	D. Recommendations	46	10
IV.	CONCLUSION	47 - 48	10

Appendix

		Paragraphs	Page
I.	Record: cultural property in the former Yugoslavia	49 - 63	11

I. INTRODUCTION

A. Sources of Information

1. In determining the extent of the destruction of cultural property in the former Yugoslavia, the Commission proceeded under its overall plan of work and made use more particularly of its database and on-the-spot inquiries or reports by international organizations, including UNESCO and the Parliamentary Assembly of the Council of Europe.

2. The information from the database and the on-the-spot inquiries is itemized in the documents annexed to the Commission's final report (see Annex VI, Study of the Battle and Seige of Sarajevo).

3. With reference to UNESCO and the Council of Europe, the documents include:

(a) "Report on the state of the cultural heritage in the Old Town of Dubrovnik following the shelling in October, November and December 1991" (Report of the UNESCO mission to Dubrovnik, 27 October to 22 December 1991);

(b) "Information report on the destruction by war of the cultural heritage in Croatia and Bosnia and Herzegovina", Doc. 6756 of 25 February 1993, with annexes A, B and C;

(c) "Second information report on the destruction by war of the cultural heritage in Croatia and Bosnia and Herzegovina", Doc. 6869 of 17 June 1993;

(d) "Third information report on the destruction by war of the cultural heritage in Croatia and Bosnia and Herzegovina", Doc. 6904 of 20 September 1993;

(e) "Fourth information report on the destruction by war of the cultural heritage in Croatia and Bosnia and Herzegovina", Doc. 6999 of 19 January 1994;

(f) "Report on the situation in the former Yugoslavia at the cultural level", doc. 6989 of 14 January 1994;

(g) "Application of international legal systems of cultural property, protection against destruction of monuments in the war in Croatia" (report prepared by Professor Miroslav Gašparović).

4. Again, to underpin its information about the extent of the destruction of cultural property in the former Yugoslavia, the Commission also heard, for a period of 33 minutes, one of two officials sent to Dubrovnik by UNESCO in November and December 1991, who was there on 6 December (during the shelling of Dubrovnik). The video cassette of this hearing forms part of the information gathered by the Commission and is deposited with the Secretariat. Similarly, at its headquarters in Geneva, the Commission met a delegation of two persons sent by UNESCO's Division of Physical Heritage, consisting of a jurist, Mr. Etienne Clément, and an art expert, Ms. Giselle Hyvert (the summary of the meeting of 15 February 1994, entitled "Cultural Property in the Former Yugoslavia", is attached to this annex). Lastly, it sent three missions to UNESCO headquarters in Paris to collect information from UNESCO departments.

5. In addition to the above sources, many complaints have been received from national authorities, governmental or non-governmental agencies,

international organizations, NGOs and individuals.

B. Applicable law

6. It should be remembered that part of the armed conflict in the former Yugoslavia is non-international in character. Admittedly, the essential applicable instruments prohibit the destruction of cultural property in non-international armed conflicts (1954 Hague Convention, art. 19; Protocol II to the 1949 Geneva Conventions, art. 16), but do not establish any penalties in such an instance.

7. For this reason, in regard to destruction of cultural property the Commission has confined itself to property destroyed after the independence of Bosnia and Herzegovina and of Croatia (subject to the comments to be made in connection with the Yugoslav Declaration of 20 November 1954).

8. The applicable law includes:

(a) The 1899 Convention on the Laws of War, the 1907 Convention on the same subject, and the 1923 Hague Regulations relative to Aerial Warfare (rules that were not ratified), which may be invoked as only part of customary law or general principles;

(b) The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, of 14 May 1954 (ratified by Yugoslavia on 29 December 1955);

(c) The Convention for the Protection of the World Cultural and Natural Heritage, of 16 November 1972 (ratified by Yugoslavia on 31 October 1974);

(d) The Yugoslav Declaration in connection with the protection of cultural property in cases of armed conflict, of 20 November 1954 (Official Gazette of the SFRY, Contrats internationaux No. 1/1955), a unilateral commitment but creating a legal obligation on the former Yugoslavia (see Mavrommatis Case, PCIJ, merits, series A/B, No. 14, p. 37, and judgment of 1 October 1946 of the Nürnberg International Military Tribunal in the "Prosecution of Major War Criminals", pp. 11, 15, 23 and 26 of the official French text);

(e) The 1949 Geneva Conventions;

(f) The 1977 Additional Protocols to the Geneva Conventions, particularly Protocol I, relating to the Protection of Victims of International Armed Conflicts (both the Protocols and the Conventions were ratified by Yugoslavia).

9. All of the applicable law concerns the former Yugoslavia, Bosnia and Herzegovina and Croatia, the two latter States having declared that they accept it. It therefore applies to the conflicts between those countries.

C. Cases cited as examples

10. The Commission has not deemed it advisable, particularly because not all of its programme could be carried out (its mission ended on 30 April 1994), to cite all the grave breaches of the Geneva Conventions and of international humanitarian law, especially as far as cultural property is concerned. It has preferred to take two examples typical of such breaches, to underscore them

and possibly enable the International Criminal Tribunal to use them for other situations. In this regard, it should be recalled that the Tribunal, established under Security Council resolution 808 (1993) of 22 February 1993 for war crimes "committed in the territory of the former Yugoslavia since 1991," is able to take cognizance of offences committed in connection with all cultural property, as provided for in the applicable instruments and, more particularly, in those mentioned above.

11. The two examples chosen by the Commission are:

(a) The Battle of Dubrovnik; and

(b) The destruction of the Mostar Bridge.

12. However, all the cases of destruction of cultural property brought to the Commission's notice are, none the less, listed in the database at IHRLI, Chicago.

II. BATTLE OF DUBROVNIK

A. The facts

13. In the autumn of 1991, the region of Dubrovnik was surrounded and besieged by the Yugoslav national army. After a few weeks, Dubrovnik itself was cut off by land and sea by the forces of the former Yugoslavia. This situation continued up to the autumn of 1992, when the District of Dubrovnik was recognized as forming part of the Republic of Croatia.

14. The military occupation of Dubrovnik captured international attention because of the cultural and historical significance of the region and the town. In 1979, the Old Town had been included in UNESCO's list of the world's cultural heritage. Dubrovnik is now known as an old town which has suffered great damage as a result of the Serbian attacks.

15. In May 1993, the Commission sent a team of four people to Dubrovnik to take a closer look at the effects of the battle of Dubrovnik, more particularly the effects on cultural property. The team, consisting of experts in the law on armed conflicts and an art historian, was in Dubrovnik from 19 October to 4 November 1993.

16. Dubrovnik is said to have been founded in the year 667, with the name of Ragusium. Later, the town was given the Croatian name of Dubrovnik, which apparently means "oak grove". The Old Town is not very large and is in the present State of Croatia. Croatia, which was made a province of Yugoslavia after the Second World War, declared itself independent on 26 June 1991, following a referendum held in May 1991.

17. The attacks on Dubrovnik started with the Serbian paramilitary forces, supported by Yugoslavia's regular army, in June and August 1992. On 1 October the Yugoslav Army invaded the District of Dubrovnik and laid siege to the town. It may be affirmed that there was virtually no defence of Dubrovnik and the surrounding area against the Yugoslav forces. This means that the destruction could on no account be justified as a military necessity. There is still less justification for the looting of some monuments, such as the Franciscan Monastery of St. Jerome in Slano or the destruction of the old Arboretum of Tresteno.

18. The siege of Dubrovnik lasted from October to December. The first shelling began on 1 October and continued sporadically until 24 October 1991.

After a short lull, the shelling started again on 30 October and continued into December.

19. The shelling of the Old Town has been described not only by the Institute for the Protection of the Cultural Monuments and Cultural Environment of Dubrovnik, but also by UNESCO observers (paragraph 4 above). The Commission heard one of these observers at length and he gave the Commission written documents, video cassettes and slides. The evidence collected by the experts and the findings from their inquiries, as well as the account of the facts given by the UNESCO expert present at the time of the shelling on 6 December 1991, all concur that 82-milimeter rockets were used. The Commission's list of the monuments hit by the shelling, to give an idea of the extent of the damage, includes the Sponza Palace, the Jesuit Church, the Franciscan Bell Tower, the Clock Tower, and the St. Clair Convent.

20. According to the UNESCO observers, the shelling was certainly from the south-east. Negotiations were subsequently held between the parties (negotiations which produced no effect). Accordingly, although a specific agreement on Dubrovnik was signed on 5 December 1991, intensive shelling of Dubrovnik started the next day and has become known as the "St. Nicholas Day Shelling of 6 December 1991". According to witnesses, it began at precisely 5:48 a.m. To begin with, 82 milimeter rockets were fired at the Old Town. In this connection, there are marks of 48 hits. The firing then continued with 82 milimeter mortar shells, which left 232 hits, and 120 milimeter shells, which left 364 hits. According to the UNESCO observers, the shelling lasted until 11:30 a.m. Larger-calibre shells also seem to have been used, since one hit, in the Cathedral at least, has been found to backup such an assertion.

21. It is apparent from the inquiries conducted by the experts, dispatched by the Commission, that the UNESCO observers' assumption is indeed true, namely that the shelling was from the south-east. In the light of the photographs of the damage to the rooftops and the trajectory of the shells, this conclusion is inevitable. The projectiles came from the direction of Bosanka, Prgat or Uskopje and Žarkovica. Most of them hit the north-western part of the Old Town. Ships also fired from the harbour.

22. The experts' conclusion on the part of the experts is suggested by the fact that there are red traces on the surfaces where the shells exploded. Moreover, the shelling was concentrated on the area affected by the 1979 earthquake. This does not appear to be mere coincidence. In all likelihood, those doing the firing were aiming at this part of the town, where any shell damage would be greater because the ground is unstable.

23. In any event, according to the experts, the shelling was selective and deliberately aimed at the buildings in the Old Town. According to the report by Professor Miroslav Gašparović, there is no doubt that the destruction of cultural property was intentional. The Commission has also acquired this conviction. However, the people doing the firing hit not only the Old Town, but also the New Town. It is difficult for the Yugoslav army to deny responsibility for this shelling.

24. On 7 December, a delegation of the Yugoslav army visited the Old Town in order to assess the damage. An investigation was conducted by UNCOE in Zagreb with the Belgrade authorities.

25. There are several documents which describe and evaluate the destruction inflicted upon Dubrovnik and in particular the Old Town. The documents are from several sources, including the Institute for the Protection of the Cultural Monuments and Cultural Environment of Dubrovnik, and UNESCO. The Institute possesses a document, in seven volumes entitled "Preliminary report

on the destruction to the Old Town of Dubrovnik" (October-November-December 1991), completed on 6 January 1992. These documents, which are particularly informative, contain maps and photographs together with individual records for each monument and house. UNESCO, for its part, drew up a report on the basis of documents transmitted to the Director-General before and after the shelling on 6, 7 and 8 December 1992. Entitled "Report on the state of the cultural heritage in the town of Dubrovnik following the shelling in October, November and December 1991," it is very helpful in establishing the reality of any charges against the perpetrators of these shellings.

26. UNESCO observers have in their possession hundreds of slides on the damage inflicted in October and December 1991. They also have photographs, remains of mortar shells and rockets.

27. The Institute completed its work with eight volumes concerning the New Town. Worth noting among the documents used by the Commission is the "Information report on the destruction by war of the cultural heritage in Croatia and Bosnia and Herzegovina", dated 2 February 1992. This document was submitted to the Parliamentary Assembly of the Council of Europe and, in particular, to the Committee on Culture and Education. It includes a section containing an inventory of the destruction which took place in Dubrovnik. While the purpose of the document was purely informative, it has the advantage of having been compiled not long before the withdrawal of Yugoslav forces from Konavle in October 1992. A comparison of the overall damage to the Old Town of Dubrovnik reveals that the damage inflicted in October and November 1991 was considerably less than the damage from the shelling on 6 December 1991.

28. Indeed, the shelling on 6 December was far more serious in terms of hits and the force of impact, the fires caused and the overall duration of the shelling. According to the Institute, 55.9 per cent of the buildings were affected, either by fires or by damage to the structures and special elements or to the façades and roofs. The roofs of several palaces were either destroyed or burned, including the Festival Palace, whose archives were completely destroyed, and a the roofs of a number of monuments caved in.

29. Other examples are St. Blaise's Church, the Franciscan Cathedral and Convent, the Dominican Convent, St. Clair's Convent and the Fountain of Onofrio; and, of course, there is the destruction of the roofs of the Old Town. In this respect, the Institute lists 336 direct hits and 254 cases of partial destruction of roofs by shell fragments.

30. From the Institute's assessment, together with that of UNESCO, the total damaged roof areas can be estimated at 56,747 meters. To this visible damage, the experts on the Commission have added damage resulting from vibrations which may appear later, as well as the damage which simply could not be detected at the time the experts were carrying out their work.

B. Characterization of the battle of Dubrovnik

31. There is some question as to the nature of the battle of Dubrovnik. The Commission has taken the view that it was an international armed conflict, and the justification for this position is discussed in paragraph 8 and 9 of this report. The Geneva Conventions, the 1907 Hague Convention, and the 1945 Regulations of the International Military Tribunal are applicable in this respect, as well as Protocol I to the Geneva Conventions.

32. Thus, with respect to the Statute of the International Tribunal, the offences in Dubrovnik can be said to concern extensive destruction and appropriation of property not justified by military necessity and seizure, and

destruction of and damage to religious institutions dedicated to charity education, the arts and sciences, as well as historic monuments and artistic and scientific works.

33. The concept of military objective should also be considered in this connection in order to shed light on the crimes committed. Indeed, it appears quite clearly that this destruction of cultural property did not in any way contribute to the military action and could in no way be considered necessary in terms of the military objectives pursued. Nor is there any way that the perpetrators of these crimes can claim to have been utilizing the monuments for military purposes.

34. In the Commission's view, other concepts in addition to military objectives should be applied: the concept of undefended place or object, of proportionality and of neutrality.

C. Imputability

35. While it is difficult to determine with any precision who was actually responsible for the crimes committed during the Battle of Dubrovnik, it would seem that sufficient charges can be made against some persons. This applies, for example, to an identified person in connection with the destruction of the Old Town and the New Town of Dubrovnik, which was ordered or permitted by him on 6 December 1991.

36. However, in the Commission's view this attribution of responsibility should not overshadow the responsibility of an identified officer whose name is not disclosed for confidentiality and prosecutorial reasons. Similarly, responsibility must be attributed to supervising and commanding officers whose names are not disclosed for confidentiality and prosecutorial reasons.

37. Moreover, the Commission has more complete information on the command structure of the Yugoslav army on the occasion of the battle of Dubrovnik.

D. Recommendations

38. By way of recommendation, the Commission can only reiterate the viewpoint expressed by the committee of experts it sent to Dubrovnik, according to which:

> "With respect to the wanton destruction inflicted upon the Old and New Towns of Dubrovnik, immediate attention should be given to the further development of cases against certain known officers whose names are not disclosed for confidentiality and prosecutorial reasons. The cases against all of these JNA officers are close to completion, and they have already been the subject of considerable attention by the Croatian authorities. Of the essential elements of these cases, the identities, the command structure and the damage to both moveable and immoveable cultural property, both religious and historic, are close to being provable, and they should be followed up.
>
> "As discussed in Chapters 8 and 9, wanton destruction of cultural property was not limited to the Old and New Towns of Dubrovnik. The District of Dubrovnik suffered greatly, and as it was occupied for a considerable period, it experienced plunder as well as wanton destruction. The entire District of Dubrovnik should be the subject of further investigation. Starting points in the Primorje region should be the village of Slano and the old Arboretum of Trsteno which suffered

both wanton destruction and plunder. It also appears that the village cemetery of Osojnik was subject to desecration. In the Konavle region, the village of Čilipi and the Franciscan Convent of Pridvorje would be good starting points. These matters should also be the subject of early attention by any future UNCOE investigative teams."

III. MOSTAR BRIDGE

A. The facts

39. On 9 November 1993 at 10:16 a.m., Mostar Bridge was destroyed. In this connection, the Institute for the Protection of the Historic and Natural Cultural Heritage of Bosnia and Herzegovina has accused the Croatian Defence Council and the Croatian Army (see letter dated 10 November 1993 sent to UNESCO).

40. This letter and other documents attached to this report describe the history of the bridge, which was built between 1557 and 1566, according to the plans of the Turkish architect Aerudin. It is a monument which, unfortunately, did not appear in the UNESCO list.

41. However, this bridge was well known to all of the population in the region, whether Serbian, Croatian or Muslim. Moreover, it was a symbol in two respects. First, it was a symbol of Bosnia and Herzegovina: spanning the gap between the Muslim and Croat communities, it embodied the links which united these peoples in spite of their religious differences and the circumstances of the present war. Second, there can be no doubt that it was of greater value to the Muslims. An article in a French newspaper reports claims by some people that the bridge was of greater value to them than their own parents or ancestors.

42. Admittedly, before it was destroyed the bridge had already suffered a certain amount of damage. Indeed, damage had already been done to its northern parapets. But all things considered, the damage had been minor. The initial objective, it would seem, had been to discourage people from using it. Thus, prior to November 1993, the primary target had been the parapet, forcing anyone who might be tempted to cross the bridge to refrain from doing so. However, the shelling on 8 November 1993 clearly aimed to destroy the bridge.

43. This destruction was carried out by tanks belonging, it seems, to the Croatian forces. On 9 November the shelling continued and it was then that the supporting arch of the southern end of the bridge was hit and collapsed. It would seem that this incident was filmed by Folio Productions (a British production company).

B. Characterization of the destruction of Mostar Bridge

44. The same criminal characterization which applies to the Battle of Dubrovnik also applies to the destruction of Mostar Bridge, which was also devoid of any military significance.

C. Imputability

45. It would seem that the Croats were at the origin of the destruction of Mostar Bridge. A Mostar District military tribunal reportedly interrogated three HVO soldiers who allegedly acted, according to a statement by the tribunal, "on their own initiative, without orders from their superiors" (see Communique dated 22 September 1993 from the Zagreb Foreign Press Bureau). The Commission considers that the Croatian Army bears some responsibility in this matter.

D. Recommendations

46. The same recommendations made with respect to the battle of Dubrovnik apply here as well.

IV. CONCLUSION

47. The findings of the Commission's investigation reveal that war crimes (serious infringements of the relevant instruments) were committed either by subordinates or by commanders.

48. Indeed, attacks took place that were deliberately directed against cultural property. In addition, movable property of a cultural character was transferred under false pretenses and without justification. Although in many cases imputability has not been established, in other cases it can be proved beyond doubt.

Appendix I

RECORD: CULTURAL PROPERTY IN THE FORMER YUGOSLAVIA

Meeting of 15 February 1994

I. INTRODUCTION

49. On 15 February 1994, a meeting was held at Geneva with two representatives of the Division of Physical Heritage of UNESCO, within the framework of the destruction of the cultural heritage in the armed conflict in the territory of the former Yugoslavia.

50. The working meeting was chaired by Mr. Kéba M'Baye, and the Secretariat was represented by Ms. Molina-Abram, with the assistance of Veronique Ivanovsky, Administrative Secretary.

II. PARTICIPANTS

51. Statements were heard from Mr. Etienne Clément, Jurist in the International Norms Section of the Division of Physical Heritage, headed by Ms. Prott, and from Ms. Giselle Hyvert, Expert Consultant for technical and operational questions relating to the town of Dubrovnik and for collection of information on destruction of cultural property.

52. After recalling briefly the activities and objectives of the Commission of Experts and points of convergence with the activities of UNESCO, Mr. Kéba M'baye invited representatives to give an account of the legal and operational aspects of their mission.

III. JURIDICAL FRAMEWORK

53. Mr. Etienne Clément referred to the basic legal instruments for UNESCO measures vis-á-vis States in a situation of armed conflict:

(a) The Hague Convention of 1954 was ratified by the former Yugoslavia, and subsequently accepted by Slovenia, Croatia and Bosnia. Article 4 of this Convention constitutes the basis for UNESCO's work for the protection of cultural property. Paragraph 1 states: "The High Contracting Parties undertake to respect cultural property situated within their own territory as well as within the territory of other High Contracting Parties by refraining from any use of the property and its immediate surroundings or of the appliances in use for its protection for purposes which are likely to expose it to destruction or damage in the event of armed conflict; and by refraining from any act of hostility directed against such property." These provisions are clearly binding on the two parties. On the other hand, under article 4, paragraph 2, "The obligations mentioned in paragraph 1 of the present article may be waived only in cases where military necessity imperatively requires such a waiver."

The scope of this Convention relates both to international conflicts and non-international conflicts.

(b) The 1972 Convention for the Protection of the World Cultural and Natural Heritage, which stipulates that no State Party shall take any deliberate measures against the property protected under this Convention, is applicable to the towns of Dubrovnik and Split. Moreover, this Convention (arts. 16-26) establishes the conditions and modalities of international assistance for property forming part of the cultural heritage.

(c) The Protocols Additional to the 1949 Geneva Conventions prohibit any acts of hostility directed against the cultural heritage or the use thereof for military purposes.

54. Special reference was made to article 53 of Protocol I and to article 16 of Protocol II.

55. Furthermore, article 85, paragraph 4, of Protocol I, which refers to "making the clearly recognized historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples and to which special protection has been given...the object of attack," was evoked. With regard to Protocol II, article 16 was cited.

56. Mr. Clément emphasized, firstly, that part of the protected property must be special and, secondly, that they must be recognizable. States bear the responsibility for indicating this cultural property by affixing to it the appropriate distinctive blue and white sign.

57. Mr. Clément also emphasized that the 1972 International Convention (arts. 19 and 23) enabled UNESCO to offer its services to States without, however, being able to impose the prerogatives of protection of the heritage according to international norms.

IV. OPERATIONAL FRAMEWORK

58. Ms. Giselle Hyvert presented a synthesis of the findings made in Croatia and the documents received by the Division of Physical Heritage. These examples illustrated the difficulties and the need to develop the legal provisions on the subject.

59. a.) Dubrovnik - The attacks sustained by this town, especially on insignia and flags, indicate intentional systematic destruction. Moreover, two orthodox churches in Dubrovnik were damaged.

60. b.) Vukovar - Considerable cultural property was transferred to Belgrade. More than 35,000 objets d'art were inventoried.

61. c.) Mostar - The bridge was not adequately protected.

62. In Bosnia, UNESCO is constantly receiving appeals regarding the destruction of historic sites. An impressive list on the subject has been published by the Council of Europe. The destruction of the Pocitelj mosque should also be noted.

63. Lastly, Ms. Hyvert referred to the UNESCO General Conference, in the course of which an analogy had been drawn with regard to the conflict between Kuwait and Iraq, in connection with the subject of the looting of cultural property.

FINAL REPORT OF THE UNITED NATIONS COMMISSION OF EXPERTS ESTABLISHED PURSUANT TO SECURITY COUNCIL RESOLUTION 780 (1992)

ANNEX XI.A
THE BATTLE OF DUBROVNIK AND THE LAW OF ARMED CONFLICT

Under the Direction of:

William J. Fenrick
Member and Rapporteur on On-Site Investigations,
Commission of Experts Established Pursuant to
Security Council Resolution 780 (1992)

Prepared by:

Lieutenant-Colonel Dominic McAlea, Canadian Armed Forces;
Member of Canada's Contributed Personnel to the Commission of Experts

Colin Kaiser, Consultant to the Commission of Experts

Major Terje Lund, Norwegian Armed Forces; Member
of Norway's Contributed Personnel to the Commission of Experts

Major Oyvind Hoel, Norwegian Armed Forces; Member
of Norway's Contributed Personnel to the Commission of Experts

CONTENTS

			Paragraphs	Page
I.	INTRODUCTION		1 - 10	5
	A.	Mandate	1 - 4	5
	B.	Methodology	5 - 7	6
	C.	Sources and analysis of information	8 - 10	6
II.	CULTURAL - HISTORICAL PERSPECTIVE OF DUBROVNIK		11 - 22	8
	A.	Background	11 - 19	8
	B.	The Old Town of Dubrovnik	20 - 22	9
III.	THE POLITICAL SITUATION		23 - 26	10
IV.	THE MILITARY SITUATION		27 - 36	11
	A.	Sources	27	11
	B.	The Croatian Army order of battle	28 - 31	11
	C.	The "Yugoslavian" order of battle	32 - 36	12
V.	THE OCCUPATION OF THE DISTRICT OF DUBROVNIK		37 - 51	12
	A.	Sources	37 - 41	12
	B.	Konavle - the south	42 - 46	13
	C.	Primorje - the north	47 - 51	15
VI.	THE "SIEGE" OF DUBROVNIK: OCTOBER - DECEMBER 1991		52 - 76	16
	A.	Sources	52	16
	B.	Situation of the city area	53 - 54	16
	C.	Bombardments during October and November - military positions and weapons	55 - 63	16
	D.	A month of negotiations	64 - 66	18
	E.	The St. Nicholas day bombardment 6 December 1991	67 - 72	18
	F.	The inquiry of the JNA	73 - 76	19
VII.	CIVILIAN CASUALTIES		77 - 87	20
	A.	Sources of information	77 - 80	20
	B.	Analysis	81 - 82	21
	C.	The dead and wounded	83 - 87	21

CONTENTS (continued)

			Paragraphs	Page
VIII.	DAMAGE TO CIVILIAN PROPERTY		88 - 94	22
	A.	Sources	88 - 89	22
	B.	Categorization of damage	90 - 93	22
	C.	Financial evaluation	94	23
IX.	DAMAGE TO CULTURAL PROPERTY		95 - 111	23
	A.	Sources - Old Town and New Town	95 - 102	23
	B.	Sources - the district of Dubrovnik	103 - 104	24
	C.	Damage to the Old Town of Dubrovnik during the bombardments of October-December 1991	105 - 111	25
X.	APPLICABLE LAW		112 - 124	26
	A.	The conflict	112	26
	B.	The International Criminal Tribunal for the former Yugoslavia	113 - 115	26
	C.	Offences	116	27
	D.	Personal and command responsibilities	117 - 118	27
	E.	Protection of victims and witnesses	119	28
	F.	Military objectives and other customary international law principles	120 - 124	28
XI.	RESPONSIBILITY FOR WAR CRIMES		125 - 132	29
XII.	RECOMMENDATIONS FOR FURTHER INVESTIGATIONS		133 - 144	30
	A.	Criteria	133 - 135	30
	B.	Crimes against persons	136 - 140	30
		1. Wilful killings	136 - 137	30
		2. Unlawful confinement or abuse of civilians	138 - 139	31
		3. Arrest of protected persons	140	31
	C.	Crimes against civilian property	141	31
	D.	Crimes against religious, historical and cultural property	142 - 144	31

CONTENTS (continued)

		Paragraphs	Page
XIII.	LESSONS LEARNED	145 - 153	32
A.	Interpreters	146 - 147	32
B.	Pre-deployment preparation	148 - 149	32
C.	On-site secretarial support	150	33
D.	Co-ordination with UNPROFOR and ECMM	151	33
E.	Team members in uniform	152	33
F.	Team composition	153	33

I. INTRODUCTION

A. Mandate

1. In the fall of 1991, the region surrounding the town of Dubrovnik on the southern Dalmatian coast was subject to siege and occupation by what was then known as the Yugoslavian National Army (JNA). Within a matter of weeks, the City of Dubrovnik itself was surrounded on both land and sea by besieging forces of the Former Republic of Yugoslavia (FRY). This occupation continued well into the fall of 1992, when the JNA withdrew from the hinterland or District of Dubrovnik in what had come to be recognized as the Republic of Croatia. This military action received wide international attention because of the historical and cultural significance of an area in the City of Dubrovnik known as the Old Town which sustained considerable damage during these attacks.

2. The importance in terms of cultural heritage of the Old Town of Dubrovnik has been recognized by UNESCO through its inclusion on the World Heritage List in 1979. For this reason, the Battle of Dubrovnik is significant for law of armed conflict since the military actions of the JNA, especially in the early stages of the battle, appear to have caused inordinately extensive damages not only to civilian but also to the cultural, historical and religious property in proportion to what would reasonably have been expected given the number, location and nature of valid military objectives within the District of Dubrovnik.

3. It was with these circumstances in mind that the Rapporteur for On-site Investigations, Mr. William Fenrick, visited Dubrovnik in May 1993. As a result of his recommendation, the Commission sent a team to Dubrovnik to study the Battle of Dubrovnik. Accordingly, the Commission approved the study and a plan of action was provided by the Commission. The plan of action called for the deployment, on behalf of the Commission, of a small team of law of armed conflict experts (Lieutenant Colonel Dominic McAlea, Major Terje Lundt and Major Oyvend Hoel) and an art historian (Mr. Colin Kaiser) to the area of Dubrovnik from 10 October to 4 November 1993 in order to:

(a) review and collect copies of relevant documents and reports *in situ*;

(b) meet with United Nations, European Community Monitoring Mission, Croatian and Serbian officials;

(c) visit and analyse relevant sites in and around Dubrovnik;

(d) videotape and photograph appropriate sites, and

(e) interview witnesses.

4. The ultimate objective of the team was to prepare this analytical survey focusing upon injury to civilians and to civilian objects (particularly cultural objects) with a view to:

(a) determine whether and when indiscriminate attacks or deliberate attacks on civilians or civilian objects have occurred;

(b) quantify the loss of civilian life, injury to civilian persons, and damage to civilian property, including cultural property, and

(c) attribute responsibility for apparent violations of the law of armed conflict.

B. Methodology

5. The methodology contemplated in the original plan of action was deviated from, to a certain extent, as some circumstances differed from what had been anticipated. Therefore, the survey became less ambitious in some aspects. For example, the documentary evidence available on some matters was so voluminous that rather than seeking to collect substantive evidence with respect to all potential violations of the law of armed conflict during the Battle of Dubrovnik, the Commission assessed the main sources available in terms of type, quality, category, comprehensiveness and probative value with a view to providing substantial assistance to a future prosecution team. This does not mean that the Commission failed to gather substantive evidence with respect to some particular, potential violations of the law of armed conflict. Certain promising cases were examined as well as the subject of specific recommendations in this report (see chapter XII) for further prosecutorial investigations.

6. In addition to the problem caused by the volume of the available documentary evidence, it became apparent soon after the commencement of its survey that the Commission would be unable, given the time constraints, to conduct comprehensive, or even effectively representative interviews of witnesses or visits to sites. The number of potential witnesses of violations of the law of armed conflict was so great, and they were so widely dispersed, that a team twice as large as the present would be required to carry out this task, as well as several months on-site to complete the investigation thoroughly. Many suspected violations took place in the occupied areas of the District of Dubrovnik in addition to what was suspected to have occurred in the City of Dubrovnik. The part of the District of Dubrovnik, which was the subject of the Commission's survey, included hundreds of towns and villages spread along a seventy-five kilometre band in which approximately three to five thousand residents remained throughout its occupation by the JNA (which was for more than a year in some places).

7. Although the Commission was provided with a plethora of information from different sources, other crucial sources of information proved to be inaccessible. Information held by the Croatian Ministry of Defence with respect to the constitution, location, and movement of military forces in and around the District of Dubrovnik from September 1991 until October 1992 was the most notable gap. This is only one example of how access to important sources of information was effectively denied, even though the Commission had previously visited all the key local government officials and secured their promise of positive support for the Commission's investigative efforts. In a related vein, the need to acquire some information from other than Croatian sources also proved to be problematic because of the short time frame available to the Commission to complete the report, and because of the Commission's limited ability to cross political boundaries.

C. Sources and analysis of information

8. The evidence assessed by the Commission came in many forms:

(a) oral narrative from first hand witnesses;

(b) written witness statements or memoranda prepared at the time of, or shortly after, the event in question;

(c) hearsay;

(d) photographic and videotape evidence;

(e) physical evidence such as unexploded ordnance;

(f) documentary evidence including the reports of previous investigations by national bodies, such as the civilian police, or international bodies, such as UNESCO, and

(g) a local district criminal court judgement.

9. The actual sources of information were also quite varied:

(a) former JNA Captain Zeljko Soldo and many other first hand witnesses;

(b) the Dubrovnik civilian police war crimes investigation files;

(c) the report and files of the Dubrovnik Civil Defence agency;

(d) the ECMM HQ files in Zagreb relevant to the period;

(e) the UNESCO report on the damage to the Old Town of Dubrovnik;

(f) the Council of Europe report on the damage to the small towns and villages of the District of Dubrovnik;

(g) the reports of the Institute for the Protection and Conservation of Historic Monuments on the damage to the Old Town of Dubrovnik;

(h) damage repair estimates from the Restoration Institute of Dubrovnik;

(i) the original judgement of the District Court of Dubrovnik in the case of former JNA Captain F. Soldo as well as F. Soldo's appeal;

(j) guided, as well as self-directed, site visits to various locations within the Old and New Towns in the City of Dubrovnik and District of Dubrovnik;

(k) the report of the Croatian Academy of Arts and Sciences on the damage to the old Arboretum of Trsteno;

(l) casualty reports from the Dubrovnik Red Cross;

(m) casualty reports from the databank Dr. Ivan Kostovic (Vice-President of the Republic of Croatia) in Zagreb;

(n) videotapes made by private citizens of various military activities of the JNA during the relevant period, and by team members, of the current state of damage to the Old Town, and

(o) the files of the office of the Dubrovnik District Prosecutor's Office.

10. The Commission always assessed this evidence, with a view to identifying what would be relevant and useful for the purposes of future war crimes prosecutions before the International Criminal Tribunal for the former Yugoslavia (ICTFY). Therefore, evidence with respect to essential elements of potential war crimes was sought, and when found, it was analysed in terms of type, quality, category, comprehensiveness and probative value. In collecting evidence or identifying and analysing sources of evidence, the Commission's team first sought evidence which was independent and directly probative.

Evidence of lesser quality was sought in default of this or as corroboration. It also attempted to build redundancy into the bases for potential future prosecutions by always seeking out secondary, non-connected, sources of evidence as supplementary proof of the essential elements of suspected violations of law of armed conflict.

II. CULTURAL-HISTORICAL PERSPECTIVE OF DUBROVNIK

A. Background

11. In 1991, the City of Dubrovnik was capital of a district or community that covered some 979 square kilometres and stretched about 200 kilometres from the peninsula of Prevlaka on the Boka Kortorska in the south-east to the end of the Peljjesac peninsula in the north-west. The mainland area itself is narrow, ranging from 500 metres to 15 kilometres in width.

12. According to the census of 1991, the population of the City of Dubrovnik and the surrounding district was 71,419 of whom 49,728 lived in the city itself. Of this population, 82.4 per cent were Croatian, 6.8 per cent were Serbs, and 4 per cent were Muslims. The rest were comprised of 20 other ethnic groups, not including a small group of "others".

13. The city and the rest of the district contain symbols of cultural heritage of outstanding value. The Old Town of Dubrovnik, for example, was "consecrated" by the World Heritage Committee by inscription on the World Heritage List in 1979. The region contains: small towns whose urban structure is of high historic interest (e.g. Mali Ston); numerous monastic establishments, especially Franciscan; and the summer residences of the old Dubrovnik aristocracy. The villages in the south-eastern region, Konavle, and particularly in the poorer north-western region, Primorje, present an extremely high degree of architectural authenticity, the latter forming a remarkable landscape of limestone houses in hilly and frequently arid settings, amidst the remnants of a traditional Mediterranean forest of oaks.

14. The settlement of Dubrovnik was first mentioned in written records by an anonymous cosmographer of Ravenna in 667. Known in Latin as Ragusium, it was long known by its Italian name, Ragusa, before its Croatian name Dubrovnik (from Dubravka, "forest of oaks") acquired general acceptance.

15. In the political vacuum left by the collapse of the Western Roman Empire, Dubrovnik found itself faced by numerous dangers from the Slavic peoples on the mainland and from invasion by sea. Geography forced it to turn towards the sea and to seek protection, or at least the benevolent indifference, of greater powers. This exigency would greatly influence its history up to the end of its independence which occurred de jure in 1808 with its attachment to the Illyrian provinces governed by France.

16. Sequentially, Dubrovnik experienced the suzerainty of Byzantium, the Normans, and Venice, which was to remain its great rival for the Adriatic and eastern Mediterranean trade. Venice ruled Dubrovnik directly from 1000 to 1018, from 1171 to 1172, and intermittently after 1232 until finally losing control in 1358. From this year until the disastrous battle of Mohac in 1526, Dubrovnik recognized as its sovereign the Croatian-Hungarian kings. Until the fall of the republic of Dubrovnik in 1808, Dubrovnik's sovereign was the Sultan of the Ottoman Empire. During this period, Dubrovnik paid tribute, but at the same time enjoyed considerable trading privileges throughout the Empire. In 1699, Dubrovnik recognized the good offices of Vienna in settling its territorial disputes with Venice, and for a century added the protection of the Habsburgs to that of Constantinople. It is important to realize,

however, that these dominations were nominal only and that Dubrovnik has effectively been an independent republic throughout most of its history.

17. Militarily weak, Dubrovnik deployed treasures of diplomacy and amassed treasures from the sea and the land routes that wound through Bosnia. It concluded numerous treaties with Italian city states and negotiated advantageous arrangements with its powerful protectors. Toward the end of its golden age, in the last decades of the 16th century, it had a merchant fleet of 200 vessels. Devastated by the earthquake of 1667, which decapitated the town of its merchant aristocrats, it arose from its ruins thanks to its fleet and enjoyed a notable economic recovery in the 18th century.

18. In 1814, Dubrovnik became a part of the Austro-Hungarian Empire and part of the Kingdom of Yugoslavia in 1918. Throughout the 19th century it continued to prosper, but its economic significance dwindled. The building of the Imperial Hotel in 1898, was a harbinger of the economic function that would predominate after the Second World War and expand enormously in the 1970s - tourism.

19. The wealth of its trading aristocracy, combined with the loyalty to its own identity, played a vital role in the establishment of the Old Town that was honoured by the international community in 1979.

B. The Old Town of Dubrovnik

20. The Old Town is contained in a small area. The distance from Fort Minceta to St. Peter's on the sea is 450 metres, while the distance from Fort Bokar in the west to Fort St. John in the east, parallel to the axis of the Stradun, is 550 metres. This dense urban space is confined by fortifications whose present aspect is derived mainly from the building campaigns of the 15th and 16th centuries. These fortifications are 6 metres thick on the land side, and 1.5 metres on the sea side, but individual bastions (Fort St. John and Fort Minceta) are thicker. The imperatives of organizing life within this defensive structure explain to a large degree the astringency of subsequent urban legislation.

21. The settlement on the promontory that overlooks the sea, supposedly the home of the refugees who fled Epidaurus (present day Cavtat), was joined to the burg on the slopes of Mount Srdj by filling in an arm of the sea during the tenth and eleventh centuries. The municipal regulation of 1272 dictated building standards and forms that were long to be respected. Such regulation also softened the impact of changing architectural styles in the Mediterranean world and prevented the rebuilding that followed the catastrophic earthquake of 1667 from radically changing the scale and design of the new structures. Dubrovnik engaged Italian architects, whose creations (even those of the Baroque period such as St. Blaise, the Cathedral and, to a lesser extent, the Jesuit church) would not clash excessively with the surrounding architecture. All buildings were of hard limestone with the same pale yellow and light red roofing tiles. Aristocratic residences and most public buildings were sober in decoration, and important buildings attained monumental status through perspective and not size. The slow, regulated accretions of the ages created a remarkable architectural ensemble of great coherence. The architectural safety valve of expansion into neighbouring districts outside of the Old Town walls (Ploce, Pile) and the economic decline of the Old Town conserved its authenticity.

22. The Old Town is not only an architectural and urbanistic ensemble of high quality; it also contains museums and libraries of interest (e.g. the collection of Ragusan masters in the Dominican Monastery, the Museum of the

History of Dubrovnik, the Icon Museum, the libraries of the Franciscan and Dominican Monasteries). Above all, it houses the archives of Ragusa. Kept continuously since the last quarter of the 13th century, they are "the most important source for Mediterranean history" according to the French historian, Fernand Braudel.

III. THE POLITICAL SITUATION

23. Until its dissolution in 1991, the Peoples' Federal Republic of Yugoslavia was a federal state composed of six republics (Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Slovenia), with two autonomous provinces attached to Serbia that were abolished in 1989. The federal state which was created at the end of the World War II was an attempt to escape the centralizing tendencies of the Serbian monarchy of the first state of Yugoslavia (1918-1941). Under the leadership of Marshal Tito nationalist tensions were kept under control, but after his death in 1980, these aspirations became stronger and were exacerbated by the economic crisis within the country.

24. Tensions increased markedly after 1985 - with the nationalist revival in Serbia, riots in Kosovo (one of the autonomous provinces) in 1989, and the end of the dominant role of the single party - the Communist League - in Slovenia the same year. In 1990, there were free elections throughout the Federal Republic which brought to power nationalist parties, such as the HDZ of Franjo Tudjman in Croatia. Slovenia declared that it was a "sovereign state" within the Federal Republic in July, and Croatia modified its own constitution in July and December. At the same time, a Serbian autonomous movement emerged in the Krajina region of Croatia, which had a large Serbian population, giving rise to a declaration of separation from Croatia in February 1991.

25. The federal presidency proved incapable of bringing about either effective economic reforms or satisfactory constitutional changes, and the dissolution of the Federal Republic accelerated. The first violent incidents occurred in the Krajina at Plitvice (31 March 1991), and they were followed by others (killing of Croatian policemen in Borovo Selo on 6 May 1991). In Croatia, a referendum on independence was carried out in May 1991, and it was followed by simultaneous declarations of independence by Croatia and Slovenia on 26 June 1991. The JNA (Yugoslavian National Army) intervened in Slovenia the following day, but mediation by the European Community led to agreement to withdraw JNA forces and a three-month moratorium on the independence of Croatia and Slovenia.

26. In July and August of 1991, the situation in Croatia worsened due to numerous attacks staged by Serbian para-military forces who were supported by the JNA. A coalition government was formed in Croatia under the presidency of Tudjman on 1 August 1991, and two weeks later, the JNA intervened massively in Eastern Slavonia with the attack on the town of Vukovar beginning on 26 August. JNA garrisons were blockaded by Croatian forces, and further operations were carried out by the JNA in the Krajina and the Dalmatian coast, where Croatian towns were blockaded from the sea. On 25 September the United Nations introduced an arms embargo on all the republics of the former Yugoslavia. On 1 October 1991, the JNA invaded the District of Dubrovnik on multiple axes; the District was blockaded by sea and was subjected to bombardments by land, sea and air.

IV. THE MILITARY SITUATION

A. Sources

27. As mentioned in Chapter I, the Commission's ability to obtain primary source information with respect to the Order of Battle and activities of the JNA and Croatian Army was effectively foreclosed for reasons which remain speculative. Other sources, less comprehensive or authoritative, provided a useful perspective. Those sources are:

(a) interview with former JNA Captain Zeljko Soldo on 26 October 1993;

(b) Civilian Police files;

(c) ECMM reports concerning the period in question;

(d) first hand witnesses, such as the members of the Dubrovnik negotiating team (crisis committee) which met regularly with representatives of the JNA forces, and

(e) UN reports.

B. The Croatian Army order of battle

28. The Croatian military forces, present in the District of Dubrovnik in September 1991, were virtually non-existent. A platoon-minus sized body with light weapons manned the Imperial Fort on Mount Srdj (built during the Napoleonic period). It was stationed about one kilometre up Mount Srdj above the Old Town of Dubrovnik. No other regular army units were present in the district, except for a national territorial defence force or "homeguard", which could be considered operational from a military perspective. A Yugoslavian Naval installation, controlled by Belgrade, was present in the Prevlaka area at the extreme southerly tip of the District of Dubrovnik.

29. The immediate reason for the absence of any significant Croatian military presence could not be attributed to the fact that the Croatian authorities' assessment of the threat to this district was insignificant. Certainly, the proportion of the Serbian population in this area was relatively low (6.8 per cent). Further, the military authorities in Belgrade had affirmed that it was not their intention to attack Dubrovnik. In addition, the District of Dubrovnik (apart from Prevlaka) had long before been largely demilitarized. The last regular army unit of any significance located in the District of Dubrovnik was moved in 1968, and the territorial defence armament was transferred in 1972 to Duži and Grab, also in Bosnia-Herzegovina.

30. Another important factor to this equation is the General Order issued in May-June 1989, in Belgrade, at the JNA Headquarters, by which it would appear that the territorial defence forces of Croatia and Slovenia were disarmed. This element is essential for understanding the Croatian military situation, as its knowledge can be imputed to the senior JNA authorities. This may fundamentally effect the validity of their direction to subordinate JNA authorities with respect to the presence and nature of military objectives in the District of Dubrovnik.

31. The presence of the Croatian Army in the District of Dubrovnik has increased significantly since January 1992, nevertheless, the information available to the Commission was scant and limited at this stage.

C. The "Yugoslavian" order of battle

32. Even though the JNA and Yugoslav Navy and Air Force were involved in the bombardment and occupation of the District of Dubrovnik, only limited information regarding their conclusion and activities were made available to the Commission.

33. The JNA unit which occupied the hills closest to, and immediately above, the City of Dubrovnik was the III Motor Vehicle Battalion of the Trebinje Brigade detached for the purposes of that operation to the Military Naval Sector with headquarters in Herceg Novi, Montenegro. It was comprised of three sharpshooter (rifle) companies, one anti-tank company, one mixed-mortar company and one tank detachment under the command of a named officer not disclosed for confidentiality and prosecutorial reasons. It had a strength of approximately 800 to 1000 personnel; 50 per cent professional JNA soldiers, and 50 per cent were reservists from Montenegro and Bosnia-Herzegovina.

34. As previously stated, elements of this unit were positioned all around the hills, directly overlooking the City of Dubrovnik (Zarkovia and Bosanka in particular), and they participated extensively in the bombardment of both the Old and New Towns of Dubrovnik on 6 December 1991. They appear to have possessed a wide assortment of former Warsaw-Pact type weapons, as well as Yugoslavian variants of the same. These included: 60 milimeter, 82 milimeter and 120 milimeter mortars; 82 milimeter rockets; 20 milimeter anti-aircraft guns; 85-105 milimeter tank guns; 62 milimeter recoilless rifles, and 7.62 milimeter assault rifles and general purpose machine guns. With the approval of the sector commander, this unit also had access to the employment of 130 milimeter artillery.

35. The sector commander was a JNA officer of Vice-Admiral rank. A number of other officers involved in this operation both on sea and on land are known but not disclosed for confidentiality and prosecutorial reasons.

36. In regard to the strength of the JNA forces which occupied the District of Dubrovnik, estimates range from 7,500 to 20,000 men. A more precise estimation of the number of JNA personnel involved in this operation and a determination of the place of origin of most of them remains to be discovered. Little else is known about the constitution of the JNA forces apart from the names of several individual officers who came into contact with local Dubrovnik authorities.

V. THE OCCUPATION OF THE DISTRICT OF DUBROVNIK

A. Sources

37. As mentioned in Chapter IV, the lack of information from Croatian and Serbian military sources precludes, at present, any detailed or authoritative description of the military actions which resulted in the occupation of the District of Dubrovnik by JNA forces in the fall of 1991, or on the events which occurred during that occupation. This gap in information prevents the Commission from determining many facts which could be crucial for the attribution of criminal responsibility. For example, it was often possible for the Commission to determine when and where a civilian was killed or wounded. The attribution of criminal responsibility, however, requires clear answers to the following questions:

(a) Did the person die as a result of military action or accident?

(b) Prior to his/her death, was this "civilian" acting consistently with his/her status as a non-combatant?

(c) If the person died as a result of military action, was he/she specifically targeted or was he/she a collateral victim of an attack upon a valid military objective or was he/she the collateral victim of an attack upon an unlawful target?

(d) Who committed the act which resulted in the civilian's death?

(e) Was the person, who caused the death of the civilian, acting on his/her own initiative or pursuant to orders? If such orders were given, who gave them or passed them on?

(f) If the person who committed the act was acting on his/her own initiative, what guidance had he/she been given by his/her superiors regarding appropriate conduct? Who are his/her superiors?

(g) Did the superiors of the person who committed the act monitor his/her conduct and the conduct of all their subordinates? Who are their superiors?

38. These particular questions focus upon the death of a civilian or non-combatant, but they represent the type of questions which must be answered with respect to all types of violations of the law of armed conflict, whether they refer to lawful combatants, civilian property, religious or historical property.

39. Without information on the marginal activities to the ad hoc military units formed in Croatia to resist the JNA advance, the determination of what constituted a valid military objective for JNA attention is very difficult. Similarly, without information about the names and locations of commanders and command structure of JNA units and formations, finding the answers to the questions posed in paragraph 37 becomes a matter of an enormous expenditure of investigative energy and luck. Therefore, this basic information should be obtained before any future prosecutorial teams begin assembling cases with respect to specific law of armed conflict violations.

40. Although the Commission's team was able to obtain a limited amount of information which exists on the subject, the Commission has managed to construct a general outline of how most of the District of Dubrovnik came to be occupied by JNA forces and some of the events which occurred during this period which suggest a violation of the law of armed conflict. This has been done with information obtained from first-hand witnesses and reports from the Dubrovnik Civilian Police, the Dubrovnik Civil Defence authorities, the Dubrovnik Red Cross, the United Nations Military Observers Detachment Dubrovnik and the former ECMM Detachment Dubrovnik.

41. Independent information on the constitution and actions of the respective military forces is expected to be provided in the near future through the Commission of Experts. This additional information should contribute to a better understanding of the events in question.

B. Konavle - the south

42. The political tensions described in Chapter III manifested themselves militarily at the end of September 1991 in Konavle, located in the south-east of Dubrovnik. At that time the Yugoslavian Navy established a blockade along the southern coast of Dubrovnik, and the JNA deployed its forces along the

border with Croatia. On 23 September 1991, the southern village of Vitaljina was bombarded. Many villages throughout Konavle were subjected to artillery bombardments, including the village Brgat, located five kilometres from the city of Dubrovnik.

43. On 1 October 1991, the JNA entered Konavle by several routes and began to move steadily north-west through Konavle toward the city of Dubrovnik (this action was co-ordinated with a similar, multiple-axis advance toward the city of Dubrovnik through Primorje and the area known as the Rijeka Dubrovacka areas to the north-west of the City of Dubrovnik). As far the Commission's team has been able to determine, the resistance to the JNA's advance took the form of small, poorly armed, and hastily formed, bodies of "homeguard", composed of men from the Croatian police and former members of Croatian descent who had deserted the JNA. Information regarding their numbers, weaponry and activity is limited. It can be said, however, that the nature of this resistance was such that there was no "front line" distinction between the JNA and Croatian military forces - only the edge of the area up to which the JNA had advanced.

44. By the middle of October 1991, the JNA forces had advanced to an area approximately fifteen kilometres south-east of the City of Dubrovnik, near the village of Mocici. This advance caused thousands of residents of Konavle to seek refuge in the City of Dubrovnik, thereby severely straining the city's already diminished resources (see Chapter VI). Thousands of people remained in their residences throughout the occupation, and they represent an enormous potential source of information on alleged violations of the law of armed conflict. At that time, the ECMM arranged for representatives of the JNA forces and the City of Dubrovnik to meet in order to negotiate on matters such as cease-fires, public utilities and prisoner exchanges. These negotiations and cease-fire arrangements had no real effect upon the advance of the JNA toward the City of Dubrovnik. During the next two weeks, the JNA forces advanced north-westward through Cavtat, Plat, and Zupa Dubrovacka until they occupied, on 26 October 1991, the promontory of Zarkovica, which commands a direct view of practically all of the City of Dubrovnik.

45. The occupation of the Zarkovica promontory represented the end of the JNA's north-westward advance and the beginning of what was to be a year long occupation of the entire area of Konavle by the JNA forces. By this time, many civilians in Konavle had been killed or wounded as a result of the military action incidental to occupation of Konavle by JNA forces. As the entire details of the circumstances surrounding these deaths and wounding were not available to the Commission's team, this report cannot present, at this stage, a complete and balanced account of the events. Nevertheless, due to the nature of the resistance mounted against the JNA during its advance through Konavle and the district paucity of any valid military objectives, it is suggested that many of these deaths and wounding were not militarily necessary. Subject to the concerns set out in paragraphs 31 and 32, the extensive destruction of civilian property and cultural property by JNA forces during their advance or during the occupation, such as the damage to the Franciscan Monastery in Pridvorje or the Ethnographic Museum in Cilipi, would appear to fall into the same category. For these reasons, the conduct of the JNA forces during the advance north-westward will be the subject of a recommendation in Chapter XII.

46. Numerous allegations have been made with respect to the abuse of civilians who remained in Konavle during its occupation by JNA forces. Also, many allegations have been made with respect to the destruction and pillage of civilian and religious or historical property by JNA forces during their occupation of Konavle. The Commission's team has identified some victims of, and witnesses to, these alleged violations, as well as reports prepared by

local authorities. These allegations and this information will also be the subject of a recommendation in Chapter XII.

C. Primorje - the north

47. The co-ordinated, multiple-axis advance of JNA forces through Primorje, in the north-west, toward the City of Dubrovnik experienced the same negligible resistance as the JNA forces which advanced from the south-east. However, they did not follow a similar timetable. The JNA forces from the north-west entered Croatia at the beginning of October 1991, as did those from the south-east, but they did not occupy their final position surrounding the City of Dubrovnik until approximately 24 November 1991, almost one month after the JNA forces from the south-east halted their advance on the City of Dubrovnik. There may have been several reasons for this.

48. First, the control by the JNA forces of the strategically located Pigeon Rock on the border of Croatia and Bosnia-Herzegovina from the beginning of October 1991 effectively hemmed in the City of Dubrovnik to the north-west by land. By sea, the City of Dubrovnik was blockaded by the Yugoslavian Navy, and there was no infiltration without its permission. In combination, these factors would not have required the JNA forces to "hurry" down the coast from the north-west.

49. The JNA forces may also have approached this area more slowly because it was more internationally significant at that time. It may be recalled that the Kouchner Plan of 19 November 1991, called for the JNA forces advancing from the north-west to stop at Mokosica and for this halt to be monitored by ECMM monitors. This plan was followed closely by the Geneva Agreement of 23 November 1991 which also called for no further troop advancement. On the other hand, both of these agreements were violated as soon as they had become effective. However, with the information currently available, it is not possible to determine why the JNA forces advanced toward their final static position the way that they did.

50. The evidence available does clearly suggest that, (even more so than in Konavle), the nature of the resistance to the south-eastward advance of the JNA forces and the paucity of any valid military objectives in Primorje were such that many of the deaths and wounding of civilians, (significantly higher in Primorje than in Konavle), and much of the destruction of civilian property during this advance was not militarily necessary.

51. The concerns expressed in paragraph 46 above regarding the destruction and pillage of civilian property and religious or historical property during the occupation by JNA forces, (which lasted until the end of May 1992), are equally applicable to Primorje. Subject to the concerns set out in paragraphs 37 and 39 above, it is hard to imagine how the looting and desecration of the Franciscan Monastery of St. Jerome in Slano or the destruction of parts of the old Arboretum of Trsteno can be anything but two glaring examples of destructive acts which were not militarily necessary. As in Konavle, the occupation of Primorje caused many people to seek refuge in the City of Dubrovnik. Of course, many residents of Primorje remained in their homes during the occupation by JNA forces, and the information which they can provide with respect to the violations of the law of armed conflict during the occupation of Primorje should not be overlooked. Therefore, the conduct of JNA forces in the advancement through, and occupation of, Primorje will also be the subject of a recommendation in Chapter XII.

VI. THE "SIEGE" OF DUBROVNIK: OCTOBER-DECEMBER 1991

A. Sources

52. In addition to the sources noted in Chapters IV and V, information regarding the siege of Dubrovnik was derived from the reports of the UNESCO observers and the Institute for the Protection of Cultural Monuments and the Natural Environment Institute. UNICEF was also present in Dubrovnik throughout November and December 1991, and possesses potentially useful information. Extensive videotape records made by ITN, local amateurs, the Dubrovnik Civilian Police and the Dubrovnik Civil Defence agencies during their investigations, and from Montenegran television are also available.

B. Situation of the city area

53. The invasion of the District of Dubrovnik by the JNA led to masses of its residents seeking refuge in the City of Dubrovnik. These refugees numbered approximately 15,000, and most of them took shelter in the numerous hotels in the New Town (west of the Old Town); some stayed with relatives or friends. Approximately 7,000 others were evacuated by sea in October 1991. These evacuations became more difficult as the siege progressed, but negotiations with the JNA carried out by international organizations, such as the ICRC and UNICEF, with the assistance of Croatian humanitarian organizations and the local crisis committee, ensured that a further 9,000 persons, (mainly pregnant mothers, mothers with small children, the elderly and the sick), were able to leave by sea.

54. On 1 October 1991, the electricity and water to the city were lost as a result of aerial bombardment by JNA forces of the district's electrical grid. Except for those few people who had generators, the people of the City of Dubrovnik lived without electricity until the end of December 1991, and they were dependent on ships for their supply of fresh water.

C. Bombardments during October and November - military positions and weapons

55. It is difficult at this time for the Commission's team to present a precise chronology of the bombardments of, or firing on, the city area. With the exception of the discussion of the bombardments on the Old Town, the following comments will require revision as more information becomes available.

56. The Imperial Fort on Mount Srdj above the city and the telecommunications tower next to it, the hill of Zarkovica and the Ploce district (south-east area of city) were bombarded on 1 October 1991 and again the following day. On 3 October, the Hotel Belvedere, (in which there was a Croatian military post), was shelled, and JNA aircraft dropped bombs in the sea near the Hotel Argentina. There was further shelling of Ploce on 5 October 1991 and an airstrike on the Imperial Fort on 6 October 1991.

57. The city was relatively quiet thereafter until 18 October 1991, when airstrikes fell on Ploce again. Two days later, there was another airstrike on the Imperial Fort and further shelling of Ploce. On 22 October 1991, the hotels inhabited by displaced persons in Lapad (north-west area of city) were subjected to naval bombardment.

58. On 23 October 1991, the Old Town was bombarded for the first time. In particular, 120 milimeter mortar fire hit the Old Granary (Rupe), and 82

milimeter rockets struck a house on the Ulica Boskoviceva. It was also reported by the local radio station that the Sponza Palace had been hit. This bombardment probably originated from he JNA positions consolidating on the hills above the city.

59. On 24 October 1991, there was a naval bombardment of the Hotel Belvedere and uninhabited Lokrum Island. The next day, the JNA representatives presented an "ultimatum" to the Dubrovnik crisis committee and the ECMM representatives. This "ultimatum" demanded the disarmament of the city and the immediate departure of all Croatian military forces and "foreign mercenaries", as well as the removal of the public officials who had been elected during the previous free elections. On 26 October 1991, the Yugoslavian flag was hoisted at Zarkovica, a point on a promontory 2.3 kilometres south-east and up from the Old Town. Zarkovica looks directly down onto virtually all of the City of Dubrovnik, and it is a textbook example of a point from which military actions can be directed against a location like the City of Dubrovnik.

60. According to an ECMM report, the City of Dubrovnik was shelled again on 30 October 1991, and 6 civilians were wounded. This shelling was also responsible for the deaths of a mother and her children on the following day. This same source details the shelling on the Gruj and Lapad (western city zone) on 1 November 1991. A complex of hotels in Babin Kuk, (also in the western city zone), was bombed on 2 November, and several refugees were wounded as a result. According to the ECMM report, shrapnel from JNA mortar and artillery fire struck the Hotel Argentina the next day.

61. Automatic weapons were fired on the Old Town from the lines of the III Motor Vehicle Battalion on 3 November 1991, wounding one person on the Stradun, (the main east-west thoroughfare in the Old Town). On 4 and 5 November 1991, similar fire was directed toward the Hotel Argentina, and on the following day, the Imperial Fort was bombarded again.

62. On 7 November 1991, an ultimatum was announced on the local radio, demanding that all Croatian forces surrender by noon. On 8 November 1991, Vice-Admiral Jokic announced that discussions with the Croats had not succeeded and that he would spare only the Old Town. Bombardments continued from 9 to 12 November, some of which were recorded on videotape by ITN. On 9 November, the Imperial Fort, Gruj and Lapad were bombarded. The following day, the Imperial Fort was hit again, as well as the Hotel Belvedere, the Excelsior Hotel, the Hotel Argentina and the Old Town. Naval vessels participated in this bombardment. The Imperial Hotel, just west of the Old Town, the Hotel Argentina, the Tirena Hotel on Babin Kuk, the new (St. Blaise) Hospital, and the Old Town were hit the following day. On 12 November, the Ploce district, the Imperial Hotel and the Old Town were bombarded again. On 13 November, only the Imperial Fort was attacked.

63. Apart from the targets mentioned, there is little precise information available on targeting except with respect to the Old Town. Bombardment damage to the Old Town was recorded by the Institute and for the most part verified by UNESCO observers. Up until this point, mainly 82 milimeter rockets had been fired at the Old Town. The front of the Small Port in the south-east of the Old Town and the houses along the Stradun had been hit by these projectiles, as were the St. John Fort and St. Peter's Bastion, which were being used as shelters. Among notable monuments hit were the Sponza Palace (roof and south-east facade), the Jesuit Church (roof and corniche damaged by a 120 milimeter mortar), the Franciscan Bell Tower, and the Town Clock Tower. The home for the elderly south of the St. Claire Monastery and the city wall behind it were also hit. The location of these impacts were such that the UNESCO observers concluded that the bombardment had come almost

entirely from the south-east. Pleasure craft in the Small Port were also hit with wire-guided rockets.

D. A month of negotiations

64. Throughout the rest of November 1991, there was a lull in JNA activity during which intensive negotiations between the JNA representatives and the Dubrovnik crisis committee took place. Such meetings had been brokered throughout October by the ECMM, but they were withdrawn in mid-November after an incident in which the ECMM claimed to have been deliberately targeted by the JNA. At this time, Bernard Kouchner, the French Minister of Humanitarian Affairs, and Stephan Di Mistura, Chief of the UNICEF Mission, took an active role in attempt to broker a cease-fire.

65. As a result of these efforts, a General Protocol Agreement was signed by both sides on 19 November 1991, which provided for mutual withdrawal of armed forces behind a neutral zone and, "under neutral control", the delivery of weapons and withdrawal of military elements for Dubrovnik. Another agreement, signed in Geneva on 23 November 1991, among other things called for a cease-fire and withdrawal of JNA forces from the District of Dubrovnik. Yet another agreement, specific to Dubrovnik, was negotiated on 5 December 1991, punctuated by the 6 December 1991 bombardment and then signed on 7 December 1991. None of these agreements had any real effect upon the JNA activity in the district.

66. On 2 December 1991, automatic weapons fire was directed on the Old Town. Witnessed by one of the UNESCO observers, it wounded one civilian. The following day, automatic weapons fire wounded several civilians at Ploce. On 4 December, the Imperial Fort was subjected to mortar fire.

E. The St. Nicholas day bombardment - 6 December 1991

67. At 5:48 hours, on 6 December 1991, the single heaviest bombardment that the Old Town was to experience began. In its opening stages, 82 milimeter rockets struck the Old Town, (48 impacts according to the Institute). The bombardment continued with the utilization of 82 milimeter mortars (232 impacts) and 120 milimeter mortars (364 impacts). The intensive shelling lasted until about 11:30 hours. Wire-guided rockets (22) were used on yachts in the Small Port, and others were fired on the Old Town itself. For example, videotape records show one of these hitting the drum of the Cathedral.

68. It is possible that heavier calibre weapons were used. This could be the case since two impacts on the interior parapets of the Old Town caused more damage than would normally be expected from 120 milimeter mortars. Local records indicate that, in addition to those already mentioned, about 300 other projectiles landed in the Old Town, but did not explode. This information has yet to be verified. Photographic evidence and rough crater analysis suggest that, as with previous bombardments, most of the firing originated from the south-east. Combining these findings with the known range of projectiles involved, the source can reasonably be established as coming from a particular unit whose name and emplacement are not mentioned for confidentiality and prosecutorial reasons.

69. On 6 December 1991, the targeting was different than earlier bombardments. The south-eastern front of the Old Town, except for the Dominican Convent, was relatively unscathed. This means that the monumental zone at the end of the Old Town, including the Sponza Palace, the Rector's Palace, St. Blaise Church and the Cathedral, maintained its integrity.

Similarly, the southern part of the Old Town on the promontory over the sea did not receive many impacts either.

70. While there were many impacts north-east of the Stradun and on the Stradun itself, the preponderance of the heavy mortars fell upon the north-western part of the Old Town. The Franciscan Convent, the buildings near the Stradun and the buildings in the zone south-west of the Stradun were most seriously hit. This is also the area in which most of the burning damage occurred. According to the Institute report, a large proportion of the 120 milimeter mortars fell there. Some of those mortar rounds probably contained white phosphorus. This conclusion is suggested because of the distinctive red stains which were evident on the surfaces where these mortars exploded.

71. It might be more than coincidental that the zone which received the worst bombardment damage was also the area which had been most seriously damaged by the earthquake of 1979. However, this concordance might just as easily have been a coincidence. In a similarly cognitive vein, some evidence suggests the mortars fired upon the Old Town on that day were systematically firing upon pre-established grid co-ordinates, while other evidence suggests that the targets were selected opportunistically as those witnessing the effects of the bombardment from the observation post at Zarkovica monitored the activity of the JNA forces.

72. This bombardment not only struck the Old Town, but the Inter-University Centre west of the Old Town burned down as well, along with its library of 20,000 volumes. In addition, the worst civilian casualties (see Chapter VII) were incurred on this date, at the Hotel Libertas which is in the New Town and clearly visible from Žarkovica. Unfortunately, the information on the bombardment outside of the Old Town has not yet been organized in a way which would permit its proper analysis. It is buried in the reports of the Institute, the Civilian Police agencies, the Dubrovnik Red Cross, and probably the files of the Ministry of Defence.

F. The inquiry of the JNA

73. The international media, the Director-General of UNESCO (Federic Mayor), and Cyrus Vance, (the UN negotiator for the Yugoslavian crisis), protested strongly about the bombardment of 6 December 1991. The ECMM in Zagreb also lodged a strong protest the same day. In response, the JNA promised "a full investigation of the incident" and asked Croatia to do the same. Later that day, a statement of regret and apparent intention to discipline those responsible was received from the JNA. The team was unable to determine if this promised investigation was actually carried out. We know that on 7 December 1991, a delegation from the JNA visited the Old Town to investigate the damage, but we do not know if any other follow up occurred. A request has been made by the representatives of the Commission of Experts stationed in Zagreb to the Belgrade authorities, on the status of the promised investigation and disciplinary action taken on this matter, but at the time of writing, no response had been received.

74. After 6 December 1991, the JNA forces surrounding the City of Dubrovnik were relatively inactive until April-May 1992. In the meantime, the Croatian Army's capability in the city was increased dramatically. This resulted in a proliferation of valid military objectives in the City of Dubrovnik (but not in the Old Town). This increase in number and distribution of valid military objectives, combined with the Commission's lack of information on the constitution, location, and movements of these Croatian military forces, makes any realistic assessment of violations of the law of armed conflict after this

build up impossible. Therefore, at present, this survey will be largely limited to the period up to 7 December 1991.

75. From the perspective of the law of armed conflict, it is clear that there were valid military objectives in and around the City of Dubrovnik. Above the city was the Imperial Fort on Mount Srdj which was besieged continuously, but never overtaken by the JNA Forces. In addition to this, the team is aware that there were Croatian military forces located in Sustjepan and the Container Port on the Rijeka Dubrovačka; these locations were the only spots in the area which remotely resembled a "front line". Finally, evidence suggests that there may have been some Croatian military forces in Babin Kuk and Petka, however, this is uncertain at this point in time.

76. One point that remains clear is that the closest that any of these valid military objectives were to the Old Town was within one kilometre of the Imperial Fort, and most of them were between three to four kilometres away from the Old Town. They also appear to have been insignificant in terms of the numbers of military personnel and the calibre of their weaponry. In addition, knowledge of the special historical status of the Old Town which was recognized by UNESCO in 1979 upon the sponsorship of Yugoslavia can be imputed to the JNA. In addition to these aforementioned points, there is evidence that the Dubrovnik authorities, (aided by UNESCO observers), appear to have been scrupulous about keeping weapons out of the Old Town, that the besieging forces could see virtually everything that was going on in the Old Town, and that the Old Town was clearly subject to indiscriminate, and possibly even deliberate, targeting. Therefore, this conclusion will also be the subject of a recommendation for further investigation with a view to prosecution in Chapter XII.

VII. CIVILIAN CASUALTIES

A. Sources of information

77. Sources of information with respect to those killed and wounded during the Battle of Dubrovnik are numerous and varied, and the Commission's team studied as many cases as were made available to them. In particular, the Commission's team studied the data available from the Dubrovnik Red Cross, the databank from Dr. Ivica Kostovic (Vice President of the Republic of Croatia), the Civilian Police and the data available along with the report of the Dubrovnik Civil Defence agency.

78. While using so many different sources may seem to represent unnecessary redundancy, such an approach was not wasteful since each source reflected a different approach to the data and contained unique information. For example, the Dubrovnik Red Cross data dealt with everyone from the District of Dubrovnik who had been killed as a result of hostilities. In addition, it made a distinction between civilians, the military, and police, and it provided the age of the victim as well as the date and place of his or her death. This data was presented by listing the victims alphabetically by name.

79. Dr. Kostovic's data listed all dead and wounded from the district. However, it made no distinction between civilians, the military, or police. Further, it provided the date of birth of the victims and the date of wounding with respect to those who had been killed, as well as those who had been wounded. This data was provided by listing the victims name in alphabetical order. The approach of the Dubrovnik Civil Defence agency was different again. It only listed, in chronological order, civilians from the district, as well as their age, the place they were injured, the date they were wounded and their degree of gravity, (from lightly to mortally wounded). Contrary to

other lists, information continued to be provided beyond, and it extended until March 1993.

80. The data provided by the Civilian Police arrived too late and it could not be analysed by the Commission.

B. Analysis

81. Although evidence with respect to the dead and wounded was plentiful and well presented, real problems subside. The data differs, not just in perspective, but also in substance. For example, the names of some people who have been killed appear on all three lists, in other cases their names appear only on two lists and, in other cases, only on one. In addition, the lists often contradict each other with respect to crucial information such as the date or place of injury.

82. These shortcomings do not indicate that the data is un-useful. For prosecutorial purposes, it will have to be independently verified and properly cross-referenced in terms of names, dates, places and nature of injury.

C. The dead and wounded

83. With respect to civilians who died as a result of hostilities, at least 82, (and possibly as many as 88), from the District of Dubrovnik were killed as a result of the JNA advance and occupation of the area from September 1991 until the end of December 1992.

84. It is also clear that most (about 50) of these civilians died as a result of JNA action prior to the St. Nicholas Day bombardment on 6 December 1991. Thirteen civilians died as a result of the bombardment on that date, and this represented the greatest number of civilian deaths that had, or would, be sustained on a single day during the Battle of Dubrovnik. About 20 more civilians were killed over the next twelve month period as a result of the hostilities.

85. Fewer conclusions can be made with respect to the available data on civilians wounded during this period. However, once the work contemplated in paragraph 82 above is completed, a more accurate account will be available regarding wounded civilians. In the meantime, it is clear that hundreds of civilians were killed or wounded, and while these figures may not seem high in absolute terms, when put into perspective, they become shocking.

86. To create this perspective, one must consider that civilians are non-combatants, (assuming that they do not do anything to jeopardize that status), and they may not legally be the object of attack by opposing forces. The law of armed conflict does contemplate the death or wounding of civilians as being legally possible, but this may only occur incidentally or collaterally to attacks upon valid military objectives. When one considers: the overwhelming military superiority of the JNA forces throughout the period during which most of the civilians were killed or wounded (1 October 1991 to 6 December 1991); the negligible size, offensive impotence and isolated location of the pockets of resistance to the JNA occupation and siege of the District, and City, of Dubrovnik; the weapons used by the JNA (thousands of rounds or mortar and artillery fire of various calibers), and the ability to identify and neutralize specific Croatian military objectives which JNA forces had because of the weapons systems made available to them. Due to the ideal observation capacity that the JNA enjoyed through its command of the high ground, the air, and the sea, it seems clear that (at best) the JNA was indifferent to the

civilian casualties it caused or (at worst) it deliberately and systematically targeted civilians and civilian objects throughout this period.

87. As stated above, discrepancies and incompleteness of data with respect to civilian casualties and lack of information with respect to their nature are more comprehensive or precise than the location of activity as the respective military forces preclude. Therefore, the state and cohesiveness of the data with respect to the civilian casualties caused by the Battle of Dubrovnik will also be the subject of a recommendation for further investigation in Chapter XII.

VIII. DAMAGE TO CIVILIAN PROPERTY

A. Sources

88. The Institute for the Restoration of Dubrovnik is responsible for evaluating the war damage to private and public property in the District of Dubrovnik, with the exception of the cultural heritage, which is the responsibility of the Institute for the Protection of Cultural Monuments and the Natural Environment.

89. So far, the former institute has completed its survey only for the housing of the district of Dubrovnik. Categorization of damage and the financial estimates for public buildings such as hotels, factories, shops, forests, etc. should be ready in the spring of 1994.

B. Categorization of damage

90. The statistics made available by the Institute cover the housing of the district, which includes thousands of buildings in the villages that are vernacular cultural heritage. The categorization used comprises six levels of damage:

(a) 1-3 represent minor damage to surfaces to slight damage to the building structure;

(b) 4 is heavy damage to the building structure;

(c) 5 is partial destruction of the building, and

(d) 6 is total destruction of the building.

91. Unfortunately, this system of categorization gives no indication of the actual means of destruction. Therefore, much of it is of insignificant use for purposes of attributing criminal responsibility. In the District of Dubrovnik, for example, burning was the cause of most damage except for the damage caused by shelling which is apparent in the "fighting" zones near to towns. In the New Town of Dubrovnik, shelling is the main cause of damage.

92. The following table represents the categories of damage for three zones, including the Old Town, but it must be kept in mind that the figures for the World Heritage Site do not include damage to sacral structures and many public buildings and monuments:

	1	2	3	4	5	6
New Town	823	368	235	48	12	3
Old Town	43	70	68	5	13	1
District	2401	2218	1754	813	1650	882
TOTALS:	3267	2656	2075	866	1675	886

Total Number of damaged buildings: 11,425

93. These statistics reveal that the occupied areas of the district suffered the worst damage to housing, 93.9 per cent for category 4, 98.5 per cent for category 5, and 99.5 per cent for category 6. This explains why Chapter XII will include a recommendation that further investigations into war crimes include intensive investigation of damages to small towns and villages of the District of Dubrovnik.

C. Financial evaluation

94. Specifically concerning only the question of housing, the Institute has calculated that the cost of reconstructing the buildings comes to DM 69,000,000, and the cost of complete reinstallation of the families (reconstruction, appliances, furniture, etc.) is DM 480,000,000 (prices on 31 December 1990). The methodology used was elaborated by the Building Institute of Zagreb, and modified for local conditions.

IX. DAMAGE TO CULTURAL PROPERTY

A. Sources - Old Town and New Town

95. There have been numerous descriptions and evaluations of damage to the cultural heritage of the Old Town and, to a lesser extent, to the New Town of Dubrovnik. These have been prepared by the local Croatian cultural authorities, the Institute for the Protection of Cultural Monuments and the Natural Environment of Dubrovnik as well as by UNESCO. There has been a great deal of co-operation between the Institute and UNESCO in the preparation of this information since the arrival of the UNESCO observer mission of November-December 1991, in culmination with the preparation of the Action Plan for the Old Town of Dubrovnik, published in February 1993. With the exception of the first report of the Institute, which was prepared in English, all the other local reports exist only in Croatian.

96. The first report of the Institute, dated 24 November 1991, contained maps and photographs and was prepared without outside assistance. It was entitled, "The Report on the War Destruction in Dubrovnik", and it covers damage in the Old Town which occurred during the bombardments of October and November 1991. The UNESCO observer mission checked most of the entries contained in this report and provided an evaluation of the damages for the Director-General of UNESCO.

97. The observer mission elaborated on a methodology which was adopted by the Institute. This methodology was simplified and did not have the same exactitude as the methodology elaborated on by the National Institute for Monuments in Zagreb, which was only prepared in the latter part of 1992.

Using the UNESCO observers' methodology, the Institute drew up a preliminary Report, contained in 7 volumes, on the Destruction in the Old Town Of Dubrovnik for the months of October, November, December 1991, which was completed on 6 January 1992. This document contains maps and photographs in addition to individual fiches on monuments and houses. It also covers the sections on the contact zones of the Old Town, and on Gruž and Lapad as well as second hand information about the occupied zones.

98. While in Dubrovnik, from 27 November to 20 December 1991, the UNESCO observers prepared reports that were transmitted to the Director-General. The first was on 3 December 1991, and two others followed the bombardment of 6, 7 and 8 December 1991. The second two reports included maps of impacts. Their final report ("Rapport sur l'état du patrimoine culturel dans la ville de Dubrovnik à la suite des bombardments d'octobre, de novembre et de décembre 1991"), submitted in January 1992, included first-hand information as well as summarized data already included in the January report of the Institute. The observers also took approximately 1,000 colour slides of the damage caused by the JNA bombardments of October-December 1991.

99. The Institute extended its work to include the New Town, using the same methodology, but working only on monuments and parks. This "Preliminary Report on War Destruction - October, November, December 1991", consists of 8 volumes and was completed in February 1992. This document contains many photographs and maps in addition to individual fiches.

100. The present mission did not closely examine the bombardments of May-July 1992, because of a lack of crucial information on the contested nature of the District of Dubrovnik during that period. Mention should be made of the "Preliminary Report on War Destruction in the Old Town in June-July 1992", which was completed on 27 August 1992, using the same methodology.

101. It should be pointed out that reports on damage to specific architectural elements were also prepared, but these grouped all the damage done in the bombardments of 1991 and 1992 ("Reports on Destruction of Architectural Elements and Stone on Monuments of the Old Town of Dubrovnik, August 1992, Project Programme for Renewal of Roofs destroyed in the 1991-92 War, August 1992).

102. The UNESCO Action Plan contains cost estimates for restoration of the most important buildings, roofs, street surfaces, fixtures and the walls. However, it does not extend to other areas regarding damage.

B. Sources - the district of Dubrovnik

103. Analyses of damage to cultural heritage in the district are few and far between. The Island of Lokrum has been the subject of one report of the Institute (December 1991). Mali Ston was also the subject of a report (summer of 1992). The Croatian Academy of Arts and Sciences in Zagreb had prepared a report on the damage to the Old Arboretum of Trsteno. Also, the Institute is slowly collecting information on moveable heritage, the monuments, and the vernacular architecture of the villages, but, at the present stage, it cannot present any overall appreciation of damage in the district.

104. The information report on "The Destruction by War of the Cultural Heritage in Croatia and Bosnia-Herzegovina", dated 2 February 1992 and submitted to the Committee on Culture and Education of the Parliamentary Assembly of the Council of Europe, contains a long section on damage in the district. This report was based on statistics presented by the Institute for the Restoration of Dubrovnik and on first hand observations carried out by its

consultant experts. No exhaustive approach was used for its preparation. As a result, a number of villages which did not suffer extensive damages were not visited. The utility of this report is close in proximity to the time of withdrawal of the JNA from Konavle in late October 1992. The Commission is in possession of about 300 colour slides and prints taken during the mission, with captions on this subject.

C. Damage to the Old Town of Dubrovnik during the bombardments of October-December 1991

105. The damage suffered by the Old Town during the bombardments of October and November 1991 was slight, relative to the damage sustained in December 1991. Caused primarily by 82 milimeter rocket fire, this damage was confined mainly to the stone surfaces of the Small Port, Fort St. John, St. Peter's Bastion, and the pavement of the Stradun. A number of houses were also hit, mainly in the roofs and the upper stories. In several instances, 120 milimeter mortars were shot, which caused extensive damage to roof structures. There were no fires caused by the bombardment during the October-November period, although the internal structures and contents of some buildings sustained some heat damage.

106. The damage done by the bombardment of 6 December was far more serious, however, due to the type of projectiles used (notably 120 milimeter mortars); the number fired, and the duration of continuous bombardment prevented the fire department and citizens from extinguishing fires before getting out of control.

107. In the report of January 1992, the Institute estimated that 55.9 per cent of the buildings had been damaged:

(a) 1 per cent had burned;

(b) 11.1 per cent had suffered serious structural damage;

(c) 26.4 per cent less severe damage to structural elements; and

(d) 17.4 per cent only minor damage to facades and roofs.

108. The worst devastation was caused by the burning of the roof and interior structures of seven places from the Baroque period. Among them was the Festival Palace, where the archives from the Summer Festival of Dubrovnik were kept and later destroyed by the fire. In several of these buildings, all floors and internal walls collapsed; in others, they collapsed only partially. Two other houses, of lesser cultural value, also burned down.

109. Individual monuments of importance sustained damage to stone and architectural decorative elements:

(a) St. Blaise Church (balustrade, medallion, statues, stained glass);

(b) the Cathedral (drum, statues);

(c) the Franciscan Convent (cloister: balustrade, columns, facade: library);

(d) the Dominican Convent (south door mouldings and the rose window of the church, cloister facades);

(e) the St. Claire Convent (facades, well); and

(f) the Onofrio Fountain (covering, stonework).

All of these monuments suffered damage of varying degrees to their roofs as well. The beautiful veined limestone of the Stradun was also disfigured by 43 mortar impacts.

110. Another type of serious damage, one which will permanently mark the town, was the destruction to the roofs of Dubrovnik. The Institute counted 336 direct impacts on roofs by which 254 roof sections were damaged by shell fragments. In the "Plan préliminaire de financement des travaux d'urgence de reconstruction, de réparation et de restauration pour la vieille ville de Dubrovnik à la suite des bombardements de novembre et de décembre 1991" the UNESCO observers and the Institute estimated that 56,747 square metres of roofs had been damaged. Therefore, thousands of traditional tiles were destroyed and probably will be replaced by modern imitations, since the manufacture of the old type of tiles was discontinued in the middle of the 19th century.

111. The surveys by the UNESCO observers and by the Institute carried out immediately after the 6 December bombardment under extremely difficult conditions, may suffer from a tendency to exaggerate the gravity of some impacts on facades and the stability of the greater buildings. However, with the exception of a few cases, little analysis was performed on the effects of vibrations from the detonations on buildings that had been shaken by the earthquake of 1979. In some instances, the amount of damage to some roofs was determined to be worse than originally estimated since surface tiles were often lifted by nearby detonations, falling back on the tiles underneath, and, in consequence, breaking them. This damage, as well as the weakening of the roof structures, was not readily visible, and only became visible at a later stage. To summarize, the hidden damage to the town was worse than the immediately assessed, and the obvious and visible damage was somewhat less in significance.

X. APPLICABLE LAW

A. The conflict

112. The geographical area, which once was the state of Yugoslavia, has been the stage for the use of varying degrees of force during the last two years, and these conflicts have involved parties with differing international status. Although the international status of Croatia during 1991 may reasonably be the subject of academic debate, the discussion to follow will be based upon the premise that the Battle of Dubrovnik was an international armed conflict.

B. The International Criminal Tribunal for the Former Yugoslavia

113. In proposing the statute for an International Criminal Tribunal for the former Yugoslavia (ICTFY), the Report of the Secretary-General pursuant to paragraph 2 of Security Council Resolution 808 (1993) of 3 May 1993 (S/25704), required that only rules of international humanitarian law which were "beyond any doubt" part of customary international law were to be applied by the ICTFY. The report referred to the principle of nullum crimen sine lege in justifying this position. Among other international instruments, the report the cited the 1949 Geneva Conventions, the 1907 Hague IV Convention Regulations, and the 1945 Charter of the International Military Tribunal as being included in this group.

114. The additional Protocol 1 to the Geneva Conventions (AP 1) is conspicuous by its absence from this group, even though the former state of Yugoslavia ratified the AP 1 on 11 June 1979, and its successor states, Croatia, Serbia and Montenegro are also bound at present by this international obligation in spite of the fact that large portions refer to customary international law. This restrictive approach was adopted to avoid the substantive and procedural problems which might be caused by non-universal adherence to AP 1.

115. In regard to the Battle of Dubrovnik, the non-inclusion of AP 1 does not represent a problem since the offences and principles of law set out in the statute of the ICTFY adopted 29 May 1993 satisfactorily cover all the violations identified by the Commission.

C. Offences

116. Although the statute of the ICTFY lists many possible offences on which the ICTFY could stand its jurisdiction, only those set out in Article 2(a), 2(d), 2(g) and Article 3(b), 3(c), 3(d) and 3(e) have been determined relevant to the Battle of Dubrovnik, such as:

(a) wilful killing;

(b) extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;

(c) unlawful confinement of a civilian;

(d) wanton destruction of cities, towns, or villages, or devastation not justified by military necessity;

(e) attack or bombardment, by whatever means, of undefended towns, villages, dwellings, or buildings;

(f) seizure of, destruction, or wilful damage done to institutions dedicated to religion, charity, and education, the arts and sciences, historic monuments, and works of art and science, and

(g) plunder of public or private property

D. Personal and command responsibility

117. The offences listed in paragraph 5 of the Statute provide perspective by including principles such as personal responsibility and command responsibility. Article 7 of the Statute sets out these principles and briefly states that one can incur criminal liability for the aforementioned offences: committing the offence oneself, ordering, planning or instigating the commission of an offence, or by failing to take reasonable steps to prevent or deter the commission of an offence by subordinates if one knew, or ought to have known, that subordinates had committed or were about to commit an offence.

118. This statement may seem convoluted and unworkable, but it represents nothing more than a restatement of principles common to most domestic criminal law systems and those declared by many war crimes tribunals which sat in the years following the Second World War.

E. Protection of victims and witnesses

119. In accordance with Article 15 of the Statute, the need to protect victims and witnesses has also been recognized. This first took the form of Guidelines to the Commission's team for the Conduct of Inquiries and Interviews. Later, this took the form of an interview protocol which was developed by the Dubrovnik team as a way of ensuring absolutely that personal interviews do not violate the principle set out in Article 15 of the Statute.

F. Military objectives and other customary international law principles

120. The Statute of the ICTFY cannot hope to make all public international law applicable to armed conflict or even to the prosecution of individuals for grave breaches of this law. The Statute must be seen as an essential mechanism which functions as part of the great body of international humanitarian law for its enforcement through the suppression of grave breaches of the same. For this reason, we must remember that in addition to the Statute of the ICTFY and the international instruments specifically named, the great body of customary international law is also applicable to armed conflict.

121. A good way to illustrate this point is to consider a well known rule found in a notable international instrument. An example of this is found in the 1907 Hague IV Regulations which states that the right of opposing parties "to adopt means of injuring the enemy is not unlimited". Considered in isolation, this broad prohibition, by way of a double-negative, may seem to be too vague and abstract to be practically useful. However, this broad principle could be useful and could be made applicable to real armed conflicts with the application of concepts such as "military objective" which have become, over the last one-hundred years, part of customary international law.

122. As quoted in the Commission's team Report of the Battle of Sarajevo, "military objectives are those objects which by their nature, location, purpose or use:

> (a) make an effective contribution to military action, and
>
> (b) whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage ..."

123. A "military objective" is a lawful target, and the knowledge of this criteria allows combatants and non-combatants alike to determine which kind of opposing forces are likely to attempt to destroy or neutralize. This concept also allows the competent authorities to assess the legality of the conduct of opposing forces and react accordingly. Without this concept, the above quoted rule would just be a legal abstraction. Concepts such as "undefended places or things" or "proportionality" or "neutrality" or "collateral damage" are other examples of concepts which make concrete rules of international humanitarian law.

124. These kind of principles complement the Statute of the ICTFY; thus they are part of the law applicable to the Battle of Dubrovnik as well as to the prosecutions initiated as a result of it.

XI. RESPONSIBILITY FOR WAR CRIMES

125. At this stage, based upon the collection and assessment of the evidence on the Battle of Dubrovnik, the Commission is not in a good position to suggest indictments for any individual. This is not because a prima facie case cannot be produced, but further evidence is needed. A prima facie case, however, can be made against certain officers with respect to the incident of 6 December 1991. Names are not included for confidentiality and prosecutorial reasons.

126. The problem with the prima facie case against a known officer, whose name is not mentioned for confidentiality and prosecutorial reasons, is that according to the Commission team's knowledge, several of the essential elements in the case were only provided by former JNA Captain Soldo - someone who has a lot to gain if he can pass on responsibility from himself a superior. It may very well be that Soldo's evidence is reliable, but when one considers the enormous amount of raw data relevant to this case which has yet to be evaluated by an independent body such as the Commission's team, and the fact that the evidence on all of the essential elements is not as consistent as one would like, it seems reasonable to take the time to consider all the readily available evidence before preparing the indictment.

127. It is also possible that these officers could be linked to other offences in the occupied areas such as the unlawful confinement of civilians and plunder of private property. Clearly, more evidence is necessary to even consider issuing indictments for these additional offences. Cases against the commanding officers and other senior officers can be made and are subject to the same comments as those made above in paragraphs 125 and 126.

128. On the last day set aside for the drafting of this report, the team started to receive more information on the JNA command structure during the Battle of Dubrovnik. This enabled the Commission's team to have a more complete picture of the military hierarchy, but the Commission did not have enough time to go back to the records available to try to establish a link with any specific offences. This task must be reserved for the future.

129. In order to conduct effective prosecutions to punish violators of international humanitarian law and deter others from the same actions, indictments must be prepared dispassionately after all of the available evidence has been reviewed. The prosecutor will need to know:

(a) what offences occurred;

(b) where the offences occurred;

(c) when the offences occurred;

(d) how the offences occurred (by artillery? by mortars? by small arms? by beating? by burning? etc), and

(e) how the victim was conducting himself or how the building or town/village was being used at the relevant time.

130. The prosecutor will then need to correlate that information with reliable information regarding the names of units and unit commanders, as well as details of their activities at the relevant time. Armed with this kind of evidence, the prosecutor will be able to conduct successful prosecutions.

131. It should be noted that the local Croatian authorities have been working on their own cases for approximately two years. According to the Dubrovnik

Civilian Police, they completed investigations on 127 JNA members and forwarded them to the District Prosecutor's office with recommendations for charges. Out of these 127 cases, 36 are related to offences committed against the Old Town. The Dubrovnik Civilian Police have another 80 JNA members under investigation.

132. The local authorities also have a former JNA member, First Lieutenant Ahmet Alasani, in custody pending charges. The local authorities did not specify the charges except that they refer to crimes against Croatia. The Commission team's assessment concludes that local authorities operate under much less stringent rules of proof and evidence than those established by the ICTFY. For example, they include provisions for trials in absentia. Therefore, it is suggested that the statistics regarding these potential prosecutions should not be treated as anything other than interesting facts for assessing the feasibility and prospects of future investigations by the Commission's team.

XII. RECOMMENDATIONS FOR FURTHER INVESTIGATION

A. Criteria

133. As mentioned in previous chapters, there are many avenues along which the initial work of the Commission's team should be followed either by further investigations of events or by reviewing the existing data. Specific incidents should receive priority of attention for any future investigative missions.

134. The Commission chose two basic criterion for the selection of specific incidents. The first criterium was determining how close the existing evidence was to establishing a prima facie case of a violation of Articles 2 or 3 of the Statute of the ICTFY against a specific individual or group of individuals. Therefore, cases which are most likely to bear fruit, from a prosecutorial point of view, should be given priority.

135. The second criterion for selecting incidents should involve those cases for which, though a strong prosecutorial case did not exist, are considered to be serious in terms of loss of life or health or loss of property. In other words, the most serious breaches of international humanitarian law should be properly investigated even though evidence with respect to them is scant or vague.

B. Crimes against persons

1. Wilful killing

136. During the Battle of Dubrovnik, 82 to 88 civilian persons were killed. The circumstances surrounding these deaths appear to be particularly disturbing. The deaths of firemen at the Libertas Hotel in the New Town of Dubrovnik on 6 December 1991 while they were fighting a fire appear to have been the result of a specific target by JNA forces. In that connection, a recording of the JNA radio transmission which gave the order to direct mortar fire on the firemen is in the possession of the Dubrovnik Civil Defence Agency. This case should receive investigative priority.

137. Another case of civilian deaths which should receive investigative priority is the apparently deliberate targeting by JNA forces of the hotels in the New Town of Dubrovnik during the fall of 1991. These hotels were filled with thousands of refugees. The JNA forces either had or ought to have had

knowledge of their presence.

2. Unlawful confinement or abuse of civilians

138. Approximately 5,000 civilians remained in the District of Dubrovnik during its occupation by JNA forces. The Dubrovnik Red Cross and the ICRC have collected information with respect to beatings and other maltreatment of civilians in these occupied areas, and these incidents should be followed up.

139. In addition, it appears that several employees of the hydro-electric plant at Plat were unlawfully confined during the occupation of that area.

3. Arrest of protected persons

140. Two Red Cross volunteers of a five-member Red Cross team were sent to Cajkovici to collect bodies. They were detained on 26 November 1991 by JNA forces. These volunteers, Muslims from Kosovo, were wearing Red Cross armbands at the time of their arrest. They were arrested by a known JNA officer, whose name is not disclosed for confidentiality and prosecutorial reasons. They have not been seen again, in spite of the efforts made by the Croatian Red Cross. This matter should also be followed up.

C. Crimes against civilian property

141. The incidents of wanton destruction and plunder of private property were so numerous and widespread that it is difficult to choose a starting point for further investigation. They must all be dealt with, and the Dubrovnik Civilian Police have already been working for at least one year investigating and documenting these violations by JNA forces. They must all be followed up. No specific recommendation is made, at this stage, with respect to a particular case.

D. Crimes against religious, historical and cultural property

142. With respect to the wanton destruction inflicted upon the Old and New Towns of Dubrovnik, immediate attention should be given to the development of cases against certain JNA officers, who are not named for confidentiality and prosecutorial reasons. The cases against all of these JNA officers are close to completion, and have already been the subject of considerable attention by the Croatian authorities. As to essential elements of these cases, such as the identities of the officers, the command structure and the damage to both moveable and immoveable cultural property - both religious and historic - are practically ready for prosecution, and they should be followed up.

143. As discussed in Chapters VIII and IX, the wanton destruction of cultural property was not limited to the Old and New Towns of Dubrovnik. The District of Dubrovnik suffered greatly, and was occupied for a considerable period of time. It experienced plunder as well as wanton destruction. The entire District of Dubrovnik should be the subject of further investigation. Starting points in the Primorje region should be the village of Slano and the old Arboretum of Trsteno which suffered both wanton destruction and plunder. It also appears that the village cemetery of Osojnik was subjected to desecration. In the Konavle region, the village of Cilipi and the Franciscan Convent of Pridvorje would be good starting points. These matters should also be the subject of early attention by any future Commission's investigative

teams.

144. In making these recommendations for further investigative efforts, it is understood that conducting these investigations will involve significant financial and personal resources and that the Commission of Expert's resources are limited. The Commission's team has no solution to this dilemma other than to emphasize how serious the violations of international humanitarian law were during the Battle of Dubrovnik and to state that evidence must be found and promptly secured if the Commission envisages prosecutions. With the passage of time, the physical evidence is most likely to get lost or mislaid. In addition, it is most possible that human memories and the international indignation will fade away.

XIII. LESSONS LEARNED

145. In all endeavours of this nature, lessons are to be learned. So that future Commission's team investigations may benefit from the experience, and mistakes of the Dubrovnik team, a brief outline recommending a methodology for making future investigations more efficient and effective is provided herewith. It is hoped that these recommendations will become a part of the Commission of Expert's corporate memory.

A. Interpreters

146. Independent and professional interpreters are essential to the effective operations of investigations of this kind. Two of the three interpreters used by the Commission's team were provided by the government of Croatia. Although they were charming and well motivated people, the Commission's team often had to discipline them so that they would only interpret and not carry on conversations which effectively excluded the Commission's team members from a conversation. This is a matter of professionalism, and it can normally be dealt with by the team members on the ground.

147. This problem was underscored when the team used the interpreter provided by the UNMO Detachment Dubrovnik. This interpreter was conscientious, disciplined and accurate. She also permitted the team to maintain an appearance of impartiality when this was very important (during the interview of former JNA Captain Soldo, for example). Having said this, there were clearly times when having an interpreter who was "connected" to the regime facilitated our investigation. The lesson learned is that independent interpreters are to be sought, but if they are not available, an interpreter who is less than perfectly independent is acceptable, (and advantageous in certain circumstances), as long as the interpreter is professional and disciplined.

B. Pre-deployment preparation

148. Much valuable investigatory time was lost once the team was deployed to Dubrovnik because the team had to spend time attempting to secure the co-operation of many local authorities who were prepared to be very bureaucratic in dealing with the team. The amount of time referred to was well beyond that would be dictated by courtesy and protocol, and in the end, the team was still not able to get access to a great deal of crucial, locally held data.

149. This could have been avoided if all of the important authorities had been formally contacted in advance so that they could grant the necessary permission and notify their subordinates to expect, and co-operate with, the

investigative team. Ideally, this could be accomplished by holding a pre-deployment conference at a convenient location. All of the necessary requests for co-operation could be prepared in draft during such a conference and then forwarded to the Commission of Experts in Geneva or Zagreb for official contact with the relevant authority. This would also be an appropriate occasion for the team members to identify issues and crucial areas and to prepare a very detailed plan of action and to identify and review relevant documentation so that the team would be more efficient and effective once it actually got on the ground.

C. On-site secretarial support

150. Although the team members were able to use the personal computer provided by the Commission of Experts and another provided by the Norwegian government in the processing of data and the preparation of this report, the team would clearly have been more efficient if it had some type of dedicated on site secretarial support. It is recommended that this type of support be made available to future investigative teams. If this type of support is not feasible, then each member of the team must have access to a personal computer to avoid the non-productive time which occurred when team members waited for a personal computer to become available.

D. Co-ordination with UNPROFOR and ECMM

151. Although the Commission's team received significant support from the UNPROFOR and ECMM personnel individually and from the UNMOs as a group, the team did not receive as much formal support from UNPROFOR and ECMM as it might have. The team would most certainly have been more effective with such support. Therefore, it is recommended that co-ordination be requested at whatever level is necessary to secure the support of these organizations for future investigations.

E. Team members in uniform

152. It was readily apparent that being in a military uniform was helpful in some circumstances but a hinderance in others. During this mission three of the four team members would have been entitled to wear a uniform, but only one (the team leader) actually brought one to wear. It is recommended that those future team members who are entitled to wear military uniforms be given the option of doing so according to the circumstances as long as the team leader (if military) is always in uniform.

F. Team composition

153. The sheer volume of information available with respect to the Battle of Dubrovnik dictated very early in the deployment that the team would concentrate on an overall assessment of the evidence available with which to prosecute war crimes rather than on the assembling of specific war crimes cases. Therefore, the team was well constituted, with three lawyers and one art historian, to do this. In the future, however, if the mandate of a particular team is to assemble specific war crimes cases and conduct the personal interviews and other associated foot work, the team will have to be more heavily composed of trained investigators such as civilian or military police (at least four). Investigators might be drawn from the civilian or military police of UNPROFOR to conduct these investigations.

FINAL REPORT OF THE UNITED NATIONS COMISSION OF EXPERTS ESTABLISHED PURSUANT TO SECURITY COUNCIL RESOLUTION 780 (1992)

ANNEX XII
RADIOLOGICAL INVESTIGATION (UNPA SECTOR WEST, CROATIA)
OCTOBER/NOVEMBER 1993

Under the Direction of:

William J. Fenrick
Member and Rapporteur for On-Site Investigations,
Commission of Experts Established Pursuant to
Security Council Resolution 780 (1992)

Prepared by:

Royal Netherlands Army
Nuclear, Biological and Chemical School, Members of
Netherland's Contributed Personnel to the Commission of Experts

CONTENTS

		Paragraphs	Page
I.	GENERAL	1	3
II.	PERSONNEL	2	3
III.	EQUIPMENT	3 - 6	3
	A. Radiological equipment	3 - 4	3
	B. Additional equipment	5 - 6	3
IV.	EXECUTION	7 - 12	3
	A. General	7	3
	B. Locations	8 - 9	4
	C. Mode	10 - 12	4
V.	RESULTS	13 - 14	4
VI.	CONCLUSIONS	15 - 17	4

Appendices

I. Analysis Results of Soil Samples by TSD 6

II. Radioactivity in Soil 7

I. GENERAL

1. On request of the United Nations Commission of Experts, two Nuclear, Biological and Chemical (NBC) specialists were temporarily attached to the Royal Netherlands Army UNPROFOR Support Detachment, in order to conduct a preliminary radiological survey in United Nations Protected Area (UNPA) Sector West. The team deployed to Croatia on 18 October 1993 and to the Sector on 20 October. The team conducted its investigation in the Sector until 3 November, redeployed to Zagreb on 3 November, and returned to The Netherlands on 4 November. An initial debriefing was held on 3 November at UNPROFOR Hqs. Zagreb.

II. PERSONNEL

2. The NBC team was formed by two instructors of the NBC School of the Royal Netherlands Army, Captain J. J.H.M. Limbourg and Sergeant-Major C.C.L. Daelman.

III. EQUIPMENT

A. Radiological equipment

3. For the radiological survey, the team used the KL PDR 7000 radiological monitor, fitted with both an internal and external sensor. This radiation monitor proved to be an excellent tool for the mission, as it was capable of measuring the normal background radiation in Gamma mode, in Beta/Gamma mode, and to indicate the nuclear activity in water and soil samples. This meter is the standard radiological survey meter in the Royal Netherlands Army (RNLA), as well as the Royal Netherlands Air Force (RNLAF). In addition, a civilian gamma monitor was used.

4. For personal protection, the team was equipped with several personal dosimeters, named a "filmbadge" and two electronic dosimeters. The maximum dose allowed was 5 cGy for the NBC team and 0,5 cGy for any other personnel involved.

B. Additional equipment

5. Vehicular: UN Jeep Cherokee, fitted with VHF radio.

6. Communications: A satellite communication system with built-in Global Positioning System was provided. For back-up communication with the NBC School in The Netherlands, telephone communications were used from UNPROFOR Communications Centre in the Sector.

IV. EXECUTION

A. General

7. The locations of alleged dumping were given to the examining team only after their arrival in Zagreb. However, the information provided was hardly sufficient to conduct a thorough examination of the areas stated, as each of the mentioned areas covered at least 120 square kilometres. The team, as ordered by the Ministry of Defence in The Hague, only covered UNPA Sector West. Before deployment, the team conducted a very detailed map study. This, combined with information obtained from UN Civilian Police, UNPROFOR, and the

local population enabled the team to operate in the Sector.

B. Locations

8. The main area of the survey was UNPA Sector West, with Sector Hqs. at Daruvar. Within UNPA Sector West, two areas were indicated in the information given to the team. These two areas, PSUNJ mountains and PAPUK mountains, were of main interest. In addition, other areas in the Sector were covered, with special attention towards abandoned mine shafts, rockeries, and domestic waste dumps en route. Furthermore, the radiological situation at the gravesite in UNPA Sector West (Pakracka Poljana) was closely monitored as well, in order to eliminate rumours of possible dumping of radiological waste near the alleged mass graves.

9. Due to the increasing activities and the large movements of troops of the warring factions in the area of the Cease Fire Zone, combined with the increasing threat of snipers, the team was not able to examine the PSUNJ area. This was decided in conjunction with the Sector Commander and his staff in Daruvar.

C. Mode

10. The survey was held by mobile patrol, with both internal and external sensors. In the immediate area of measuring points, patrols by foot were conducted; i.e., one member of the team leaving the vehicle, vehicle moved away at least 50 metres, then reading the monitor. This, combined with the reading of the vehicle monitors, gave the most accurate results.

11. On five locations, soil samples were taken, to be investigated by the TSD laboratories in The Netherlands. Two of the samples were taken at the mass gravesite in UNPA Sector West (#1 and #5). The examination report is set out at page 4 of this report.

12. In total, 1,800 kilometres of roads were covered in the Sector, of which approx 1,100 kilometres non-metalled (gravel and sandpaths). Many minefields, possible locations and mine warning signs were seen and reported to UNPA Sector West Headquarters.

V. RESULTS

13. The normal, natural radiation ("background radiation") in the mission area proved to be approximately 0,25 uGy/h. This was an average, monitored throughout the team's stay in the mission area. In UNPA Sector West, the level of nuclear activity proved to be between 0,05 uGy/h (location rockery 33TXL773533) and 0,45 uGhy/h (location 33TXL 86685281, soil sample #2). All other readings were within this range.

14. Further investigation of possible dumpsites, such as rockeries, waste dumpsites and abandoned villages showed no physical presence of nuclear waste.

VI. CONCLUSIONS

15. The nuclear activity, measured at UNPA Sector West, proved NOT to be any higher than the normal background radiation. In addition, examination of the five soil samples proved that the quantity of radioactive materials in the samples can be considered as normal. These radioactive materials contribute

to the level of background radiation.

16. There were no signs of any nuclear waste in the areas searched.

17. The mission proved to be too short to conduct an investigation in the other areas. However, the team is willing to return, to examine the other areas.

Vught, 14 December 1993,
OIC NBC Team
Royal Netherlands Army
UNPROFOR Support Detachment

Appendix I

ANALYSIS RESULTS OF SOIL SAMPLES BY TSD

Captain RNLA
J. J.H.M LIMBOURG

Sample Nuclide	#1	#2	#3	#4	#5
Ra-226	80.2	73.9	0[*]	0[*]	31.4
Pb-214	21.4	20.1	24.1	25.2	16.9
Bi-214	35.0	22.1	24.7	29.7	19.9
Pb-210	104.2	121.1	118.7	133.9	80.5
Cs-137	5.4	25.0	22.4	8.1	1.6
K-40	339.7	334.4	378.4	377.1	442.1
Ac-228	34.4	35.5	46.7	37.5	27.8
Pb-212	29.9	24.9	35.5	33.4	24.9
Bi-212	33.7	20.3	4.7	48.2	17.7
Tl-208	51.5	4.4	18.9	5.1	4.2
TOTAL	725	711	585	647	697

Units used in this table: Bq/kg (Becquerel per kilogramme)

Conclusion: There was no radioactivity found in the samples which was considered to be higher than that of the constant available "natural occurring radioactivity".

The first four nuclides mentioned are daughters of the parent nuclide Uranium, the last four of the parent nuclide Thorium. K-40 (potassium) is another naturally occurring nuclide, while the very small amounts of Cs-137 will be present anywhere in Europe because of the Chernobil accident.

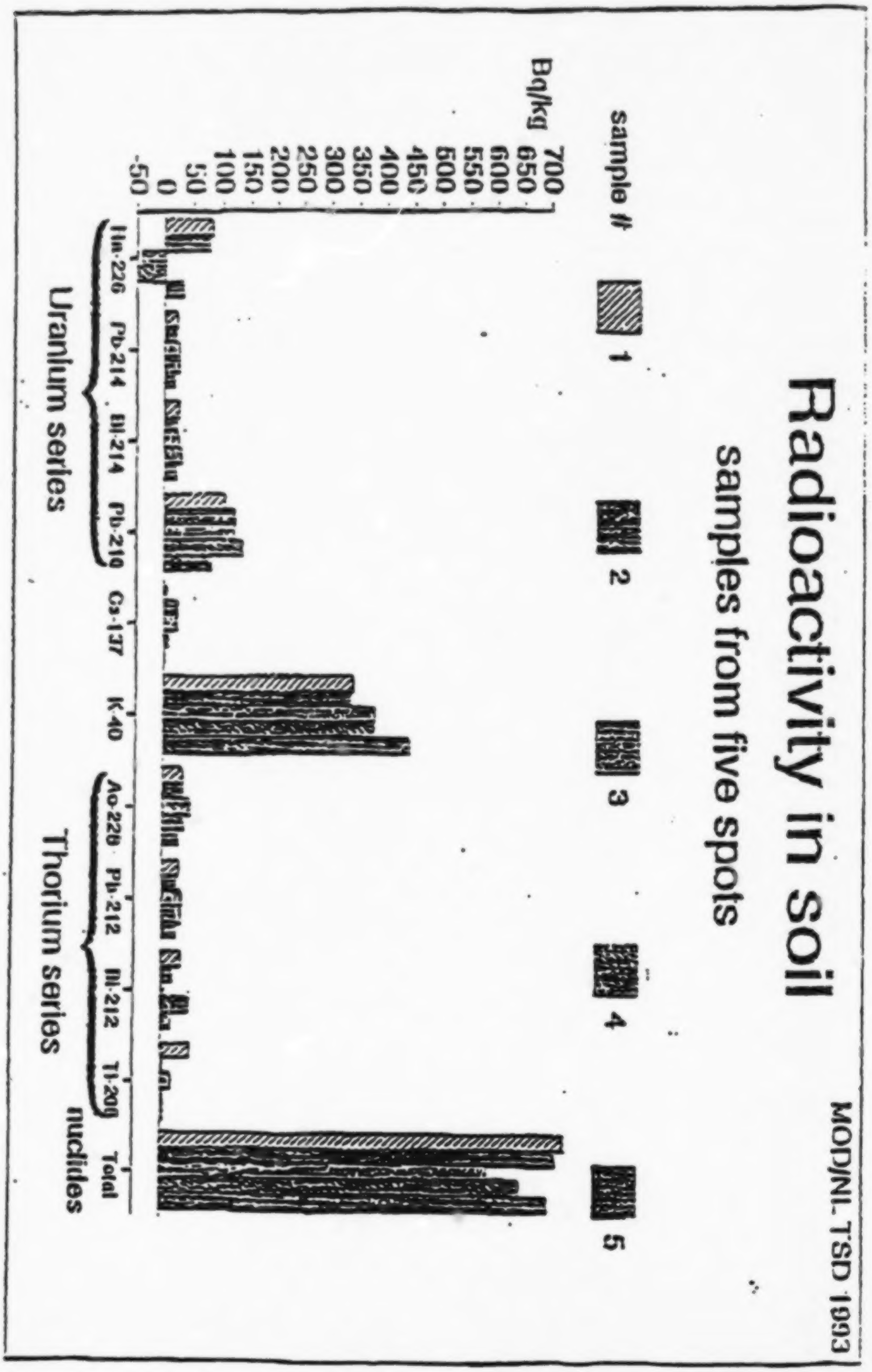
The results are presented graphically in Appendix II.

(Dated 13 December 1993) (Signed Eng. A. Klerk)

---

[*] The method used caused a negative result.

Appendix II


Radioactivity in soil
samples from five spots
MOD/NL TSD 1993
sample #
1
2
3
4
5
Bq/kg
700
650
600
550
500
450
400
350
300
250
200
150
100
50
0
-50
Ra-226
Pb-214
Bi-214
Pb-210
Cs-137
K-40
Ac-228
Pb-212
Bi-212
Tl-208
Total
nuclides
Uranium series
Thorium series